

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.77 OF 2025
IN
WRIT PETITION NO.9289 OF 2023

Swadesh Shivghari Singh

...Petitioner

Versus

Ruchi Swadesh Singh

...Respondent

Ms. Darshana Pawar a/w Ms. Rekha Musale, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED: 5th MAY 2025

P.C.:

1. This is a Review Petition seeking review of order dated 12th March 2025 passed in Writ Petition No.9289 of 2023.

2. Heard Ms. Pawar, learned Counsel a/w Ms. Rekha Musale, learned Counsel appearing for the Petitioner. Learned Counsel submits that the observations in Paragraph No.4 will affect the proceeding before the Family Court. She submits that in any case the Petitioner has complied with the order of maintenance and therefore the said observations in said Paragraph No.4 be deleted.

3. In view of the above submissions it is required to note the learned Family Court while passing the impugned order has observed in Paragraph No.7 as under:-

“7. It is to be noted that though respondent filed his written statement on record, he has not filed his say to interim application. In his written statement he denied his income. However, he has admitted that he is working in Gulf Country. According to him, he is

*earning Rs.2,00,000/- per annum. Though it has been contended by respondent that his yearly income is Rs.2,00,000/-, he neither filed his specific say to present application nor produce the document on record in support of his contention in written statement. So, in such circumstances, **adverse inference can be drawn and it can be inferred that he is able to provide maintenance.***”

(Emphasis added)

4. Thus, the observations in Paragraph No.4 of the order dated 12th March 2025 are required to be read in the light of the above observations of the learned Family Court.

5. In any case it is clarified that as the challenge in the Writ Petition was to the interim order, at the time of deciding the said Petition No. A-1645 of 2018 finally on merits, the same will be decided without influenced by the observations in the impugned order dated 17th March 2020 of the learned Judge, Family Court, Mumbai passed below Exhibit-6 in Interim Application No.109 of 2018 in Petition No. A-1645 of 2018 as well as observations in the order dated 12th March 2025 of this Court passed in Writ Petition No.9289 of 2023.

6. Accordingly, with the above clarification Review Petition is disposed of.

[MADHAV J. JAMDAR, J.]