IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2735 OF 2025
IN
FAMILY COURT APPEAL NO. 103 OF 2024

Mrs. Toral @ Bhakti Sandeep Gandhi ...Appellant

Vs.

Sandeep Virendra Gandhi ...Respondent

Ms. Parul Vedak with Ms. Bhoomi Vishwakarma, Mr. Sanamjeet Kaur Kalsi i/b. Parul Vedak & Associates for Appellant in FCA No. 103 of 2024.
Ms. Taubon Irani for Respondent.

CORAM: G. S. KULKARNI & ADVAIT M. SETHNA, JJ.

DATED: 09 MAY 2025.

P.C.

1. This is an interim application filed by the applicant/appellant (wife) against the respondent-husband praying that she be permitted to withdraw the entire amount of Rs.1,50,00,000/- being the amount of permanent alimony as awarded by the judgment and order dated 22 July 2022 passed by the learned Judge, Family Court at Bandra, Mumbai, on M.J. Petition No. A-1503 of 2013 filed by the applicant for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955.

2. At the outset, we may observe that insofar as the divorce between the parties was concerned, the same was compromised in terms of the consent terms dated 07 March 2017 whereby the parties agreed that the marriage

between the applicant and the respondent solemnized on 30 January 2012 is dissolved by a decree of divorce. Thus, the scope of adjudication of the proceedings before the Family Court was confined to the amounts of permanent alimony. The Family Court in adjudicating the said proceedings partly allowed the applicant's petition in terms of the following order :-

> " ORDER
>
> 1. The petition is partly allowed.
>
> 2. In view of consent terms Exh. 33 dated 07.03.2017, the marriage between the petitioner and the respondent solemnized on 30.01.20212 is hereby dissolved by decree of divorce.
>
> 3. The respondent is directed to pay Rs. One Crore to the petitioner towards her permanent alomony.
>
> 4. The respondent is directed to pay Rs.50 lakhs (Rs. Fifty lakhs) to the petitioner towards her claim for accommodation.
>
> 5. The respondent is directed to pay Rs.10,000/- to the petitioner towards litigation expenses.
>
> 6. Decree be drawn accordingly."

3. We may also observe that the respondent has filed a cross appeal challenging the judgment and order passed by the Family Court. Thus, there are two appeals which are pending before this Court.

4. In the interim application filed by the applicant praying for withdrawal of the amount, she has categorically contended that she has no source of income and that she is in dire need of money. She has stated that she is 50 years of age, having several health issues. She has already undergone two major surgeries, she is not employed, her savings have stood

exhausted in the last three years. Accordingly, she has prayed for withdrawal of the amount.

5. In supporting the case for withdrawal on behalf of the applicant, the Court's attention has been drawn to the voluminous materials on record, which includes the evidence in regard to what is being termed as an extremely well off, financial condition of the respondent, being Director/Partner in several companies/firms, having several bank accounts, fixed deposits, mutual funds, assets, etc. It is also the applicant's contention that her stridhan has not been returned which is, apart from its monetary value, has a solemn sentimental value as it belongs to her mother which was gifted to her at the time of marriage, which is also one of the major issues as canvassed in the appeal. The applicant's contention is that in the facts and circumstances of the case, considering the respondent's strong financial position, the amount which has been awarded is too meagre, as also there is no legal right whatsoever to deprive the applicant of the stridhan, on which the Family Court has failed to pronounce any order and does not form part of the decree.

6. The case of the applicant is that hence she is entitled for the withdrawal of the entire amount considering her precarious financial condition. She states that she cannot be a dependent on her father, who is a retired bank employee, who is a senior citizen of 87 years old. On the other hand, the respondent is in an extraordinarily affluent position.

7. At the outset, learned counsel for the applicant has drawn our attention to the observations as made by the Family Court in the impugned judgment which records that the respondent is in the business of furnishing and operating abroad in the name of 'Bharat Furnishing'. There are 16 dealers of Bharat Furnishing all over the world having godown of 16000 sq. ft area. The respondent derives substantial income from his group companies. He has 3 BHK flats in Prabhadevi and Tardeo, wherein her stridhan/jewellery was left. Our attention is also drawn to the observations as made by the Family Court in paragraph 19, 24 and 25 of the impugned order which are required to be noted which read thus:-

> "19] During cross examination, respondent deposed his qualification as 2nd year B. com. He started business in 1993. He had textile business. Bharat furnishing is a partnership firm. He has no income from Bharat Furnishing. He had source of income from Raichand & Sons. He incurred Rs. 18,000/- to Rs. 20,000/- per month For his personal expenses. He could not state about his income from Raichand & sons. He used to withdraw the amount from IDBI account. Raichand & sons company had current account in Dena Bank and Ratnakar Bank. He had credit card of City bank. He did not produce the documents to show that the petitioner had investments of Rs. 50 Lakhs and she was employee of Bank of Baroda. His salary of Rs. 48 Lakhs was credited in IDBI bank. He had sold the shares in 2012-13. The income of Raichand & sons was approximately Rs. 25,000/- to Rs. 2 Lakhs per year. He was getting car allowance and travelling allowance from B. F. Fashion pvt. Ltd. He started new company by named Bharat furnishing Pvt. Ltd. But he could not start the business. He denied that he falsely deposed to avoid payment of maintenance. He admitted that he had not invested money in the name of the petitioner. Further he admitted his bank accounts. He produced the bank statement of Dena Bank and Ratnakar Bank. He had received dividend of Rs. 45 Lakhs for the period of 2014 to 2018 and he had withdrawn Rs. 5, 31,000/-. He was not able to state whether he received Rs. 97 Lakhs from Indradev Vinimay Pvt. Ltd. for the period 2014 to 2018. He could not state whether he received Rs. 55,21,000/- from B. F. fashion private Ltd. He also admitted the credit entries about the receipt of amount from

Bhavesh retailer. He denied to transfer of 50% of his investments and FDRs in the name of the petitioner. He admitted that he was having another residential house at Prabhadevi. He admitted the credit entries of Rs. 77,77,622/- his IDBI bank account. Thus, the respondent was confronted with the entries in various accounts during the period of 2014 to 2017. He was unable to explain those entries. But he was ready to produce the entries for 5 years in his D-mat account. He also admitted the receipt of interest in RBI bonds, IRFC, IREDA bonds. He was unable to state principle amount invested in those bonds. He admitted the premium of his insurance policy as Rs. 4,52,000/- per annum.

…..

24] On the contrary, the respondent is acting partner of more than 12 firms and companies. He has admitted that he used to draw salary from one of B. F. Fashion Pvt. Ltd. The documents on record show that he is paying yearly premium of Rs. 4,52,000/-. He is getting Fixed remuneration from his firms and companies. He is also getting 20% to 25% profit from each establishment wherein he is a partner or is working. His income tax returns show some loss in business. However, the respondent has nowhere established that he has suffered any personal loss due to the loss of business of his partnership firms. His statement of account shows the transferred amounts in the name of his mother. Thus, the petitioner proved that the respondent has sufficient means to maintain her. Admittedly, except his mother and petitioner, the respondent has no other liability. Thus, there are only two dependents on the respondent.

25] It is established that the petitioner started residing separately from the year 2012 itself. She had not submitted her ITR. Income tax department issued show cause notice to her and compelled her to submit returns. As discussed earlier, the petitioner has her own investments. She is getting income from her investments in shares, mutual funds and fixed deposits. However, as discussed earlier, the petitioner does not have sufficient means to maintain herself. Hence, in my opinion, she is entitled for maintenance from the respondent. Considering the income of respondent and needs of the petitioner, amount of Rs. 1 crore would meet the ends of justice. I answer point no. in affirmative."

8. As seen from the aforesaid observations, which are based on materials on record that it is quite clear that the applicant does not have sufficient means to maintain herself hence, she has been held to be entitled for the permanent alimony as awarded by the family Court.

9. Learned counsel for the applicant has drawn our attention to several documents on record of the proceedings which include the bank statements, income tax returns as also the details of the accounts furnished by the respondent from the turnover of amounts in his bank accounts including large credit card payments whether is commensurate with the returns, appears to be an issue.

10. Although at the cost of some prolix, it would be necessary to note the vital material which has come in the evidence of the respondent before the Family Court in regard to the respondent's stake in different companies and his financial position which reads thus:-

> "27. I do not have any documentary evidence to show that, petitioner has huge investments of Rs. 50 lakhs as mentioned by me in para 4 of my affidavit. It is not true to say that I am deposing falsely just to avoid the payment of maintenance to petitioner that she has huge investments in her name and now she is working with Bank of Baroda. I have not filed petition for restitution of conjugal rights against the petitioner. Since marriage till our separation I did not open any bank account in the name of petitioner. I had not taken any medical insurance, life insurance for the petitioner. I did not make any other investment in the name of petitioner. It is not true to say that I am deposing falsely that petitioner wants to extract money from me.
>
> ……..
>
> 29. IDBI savings account is my personal joint account with my mother. The bank statement of IDBI account is produced at Exh. 57. **It is true to say that there are various entries in my bank statement at Exh. 57 about investment in shares and stocks through brokering agent Anvil Shares and Stocks. If I will get I will produce last five years statements of investments through Anvil Shares and Stocks where I invested money. If I will get I will produce last five years statements of investments in HDFC Cash Management Treasury Advancement Fund, HDFC Mutual Fund, HDFC CMF Save Plus Fund, Axis Fixed Term Plan, HDFC Mutual Fund Red and about other mutual funds mentioned in statement at Exh. 57.** Now I have been shown my statement of

IDBI Bank at Exh. 57. I do not remember whether I have invested through any other broker during the period from 2013 to 2018. On the next date I can tell about the name of any such broker through whom I had invested the amount. **I can check and tell whether I had received dividend income of Rs. 45 lakhs during the period from 2014 to 2018. I can check and tell whether I had self withdrawn only Rs. 5,31,000/-during the period from 2014 to 2018. I can check and tell whether I had received Rs. 97 lakhs from Indradev Vinimay Private Limited during the period from 2014 to 2018 as mentioned in Exh. 57. Now I have been shown my bank statement at Exh, 57. I can check and tell whether I had received Rs. 55,21,000/- from BF Fashion Private Limited during the period from 2014 to 2018.** Witness volunteers that there are debit entries about payment also. I will check and tell whether I had invested in various companies from my personal savings account/in IDBI Bank. **It is true to say that there are credit entries in savings account statement at Exh. 57 about receipt of amount from Bhavesh Realtors LLP.**

....

31. **Now I shown my saving bank account statement in of I.D.B.I bank produced at Ex-57. I am not ready to transfer 50% of my investments in mutual funds and sharers and fixed deposits which are reflected in Exh-57 in name of petitioner. The witness volunteers that already many investments are redeemed. It is true to say that I have another residential premises at Prabhadevi. It is the joint name my self and my mother. I am not ready transfer 50% shares of that premises in the name of petitioner. I am not ready to give permanent residential right in favor of petitioner in Prabhadevi house.**

32. **I do not have additional account in I. C. I. C. I bank. It is true to say that there is credit entry by way N.E.F.T transfer in my account in my account of I. D. B. I bank for the amount of Rs. 77,77,622/ on 28.11.2017. At present I can not tell. Whys this huge amount was credited to my account from I. C. I. C. I bank. I was director of Indradev Vinimay Pvt. Ltd. Now I can not tell why Indradev Vinimay Pvt. Ltd. Company had credited Rs. 97 Lakhs in my personal saving in I.D.B.I bank during the period from 2014 to 2016. If my partners allow then I can produce last/five years income tax returns along with annexure of Alfa Furnishing L.L.P. and Bhavesh Realtor L. L. P. I will tell on next date about receiving Rs.52 Lakhs from Bavesh Realtor L.L.P and Rs. 19,02000/- from Alfa Furnishing L.L.P in my personal saving account during the period the 2014 to 2017. It is true to say that there is credit entry of Rs: 2 lakhs in my I.D.B.I account from B. F. Fashions Pvt. Ltd. On 21.02.2014 (at Exh-57). The witness volunteers that there is debit entry of Rs.2 Lakhs on 28.02.2014. It is true to say that there is credit entry of Rs. 10 lakhs in my I.D.B.I account from B. F. Fashions Pvt. Ltd. On 08.06.2017 (at Exh-57). It is true to say that there is credit entries of Rs. 10 lakhs each in my I.D.B.I**

account from B. F. Fashions Pvt. Ltd. On 19.07.2017, 01.07.2017, 09.08.2017 and (at Exh-57). It is true to say that there is credit entry of Rs. 12.5 lakhs in my I.D.B.I account from B. F. Fashions Pvt. Ltd. On 24.08.2017 (at Exh-57). It is true to say that there is credit entry of Rs. 3 lakhs in my I.D.B.I account from Alpha Infrastate Pvt. Ltd. On 05.02.2016 (at Exh-57). It is true to say that there is credit entry of Rs. 1.5 lakhs in my I.D.B.I account from Alpha Infrastate Pvt. Ltd. On 25.07.2016 (at Exh-57). It is true to say that there is credit entry of Rs. 1.5 lakhs in my I.D.B.I account from Alpha-Infrastate Pvt. Ltd. On 13.09.2017 (at Exh-57). It is true to say that there is credit entry of Rs. 20,99,723/- in my I.D.B.I account from Kiyara Ventures L.L.P On 09.09.2016 (at Exh-57). This amount received from Kiya Ventures L.L.P. might be as investment. I can not tell in what form I received the - amount from Alpha Infrastate Pvt. Ltd. But it is not salary.

……… … … ..

33. **It is true to say that I am investing in Public provided fund since last 10 years.** I can produce my statement of P.P.F account for last 5 years on the next date. I can produce my D mat account statement for last 5 years on the next date.

I am not aware whether I have challenge the decision about my disqualification of various companies. If available then I will produce on the next date about written communication about my disqualification as a director of various companies.

Further cross examination of the respondent resumed on solemn affirmation by Adv. Parul Vedak for petitioner dated 27/5/2019

34. Now I have been shown my bank statements of IDBI Bank produced at Exh. 57. Now I have been shown credit entry dated 1/6/2017 in my IDBI Bank Account of Rs.50 Lakhs from Raichand & Sons. **There is another credit entry of Rs. 53,91,000/- on 19/8/2017 from Raichand & Sons in IDBI Bank Account at Exh. 57. It is not received as a profit. I do not remember for what those credit entries are there in my personal account from Raichand & Sons. On the next date 1 can tell about it. There are various credit entries total amounting to Rs. 1,63,00,000/- from 2/5/2017 till 23/2/2018 from C.K. & Company in IDBI Bank Account at Exh. 57.** I had taken loan from C.K. & Company. I can produce documents about I had taken loan from C.K. & Company. I have partly repaid the loan from my same IDBI Bank account. **I will have to check whether I have received Rs. 55 lakhs in addition to salary from B.F. Fashions Pvt. Ltd. during the period from 2014 to 2018.** I am investing in Anvil Shares and Stock Broking and Sushil Finance. I am ready to produce statements regarding my investments in Sushil Finance. On the next date I will produce my statements regarding PPF account and Demat account for last five years. **I will check and tell whether I have received dividend of Rs. 45 lakhs during the year 2014 to 2018**

which is reflected in Exh. 57 I cannot produce income tax returns of Alpha Furnishing LLP and Bhavesh Realtor LLP as my partners refused for the same. I have not check about the credit entry of Rs.77,77,622/- from ICICI Bank dated 28/11/2017. There are debit entries approximately of Rs. 5 lakhs in my IDBI bank account during the period from 10/9/2015 till 17/5/2018 to Aarti Shinde. I know that lady but I do not have any relationship with her. Witness volunteers that I had given that amount to Aarti Shinde as loan repayment. I can produce copy of ledger account showing loan was given to me by Aarti Shinde. I can produce my salary statement from companies which are mentioned in para 9 of my affidavit during the period from 2013 to 2018.

Further cross examination of the respondent resumed on solemn affirmation by Adv. Parul Vedak for petitioner dated 27/06/2019.

35. **Now I had been shown my personal bank account statement in IDBI bank at Exh. 57. On 28.11.2017 amount of Rs. 77,77,622/- was credited to my account. It was credited wrongly instead of credited to my mother's account.** That amount was debited on 30.11.2017 to my account. ICICI bank had not given me any authority to direct to transfer that amount to my mother's account without any correspondence or without any authority. Witness volunteers that Motilal Oswal had wrongly credited that amount to my account instead of my mother's account and Motilal Oswal had corrected that transaction. I do not have any account with Motilal Oswal Securities. Motilal Oswal Securities did. not give me instructions to transfer the amount Rs. 77.77,622/- in my mother's account in writing but he had given instructions to me verbally. **It is not true to say that I earned profit of Rs. 97 lacs from 1.02.2014 to 16.08.2016 from Indradev Vinimay Pvt. Ltd. There are credit entries from Indradev Vinimay Pvt. Ltd. as follows-**

1. 01.02.2014-	Rs. 10,30,000/-
2. 28.06.2014-	Rs. 5,70,000/-
3. 28.07.2014-	Rs. 50,00,000/-
4. 02.03.2015-	Rs. 5,00,000/-
5. 19.03.2015-	Rs. 7,00,000/-
6. 16.08.2016-	Rs. 19,00,000/-
Total	**Rs. 97,00,000/-**

I am ready and willing to produce my Demat account statement for each financial year for the last five years. Notice was not served for me by Registrar of companies about disqualifying me as a Director of various companies. It is not true to say that I willfully resign as a Director of various companies as mentioned in para 9 of my evidence affidavit It is not true to say that I am deposing falsely that I was disqualified as a Director of various companies.

....

40. **Now I have been shown Exh.80 Kotak ACE investment. It is not a mutual fund. It is insurance policy. I cannot tell since last how many years I am paying insurance premium of Rs. 4,52,094/-. Now I have been shown Exh. 56 which are my income tax returns for the year 2015-16, 2016-17 and 2017-18. There is mention about sales consideration received of Rs. 13,75,000/-. There was no sale of property i.e. flat on 23/3/2016.** I am unable to tell about this entry in my income tax return. I am not ready to produce my consolidated account statement of NSDL for the year 2013 to 2018 as it is not required.

(Cross examination is adjourned with direction to the advocate of petitioner that cross examination should be completed on the next date within 30 to 40 minutes).

....

Further cross examination of the respondent resumed on solemn affirmation by Adv. Parul Vedak for petitioner dated 14/8/2019.

41. Now I have been shown Exh. 87 bank statement held by Raichand & Sons with Ratnakar Bank Ltd. I**t is true to say that there are entries dated 26/8/2015 for transfer of Rs. 2,50,000/-, 23/11/2016 amount of Rs. 20,00,000/- for transfer, 23/11/2016 of Rs. 20,00,000/-for transfer, 1/6/2017 amount of Rs. 50,00,000/- for transfer, 19/8/2017 amount of Rs. 53,91,000/- for transfer in my name in IDBI personal savings bank account (Exh.57). It is not true to say that I deposed falsely that in my cross examination on 25/1/2019 that income from Raichand & Son Partnership firm is not credited to my personal bank account. Now I have been shown Exh. 87 page 17. There are credit entries dated 20/1/2017 amount of Rs.50,00,000/ - 31/1/2017 amount of Rs. 31,57,222/-, 31/1/2017 amount of Rs. 1,50,70,926/- (total Rs. 2,32,28,147/-) which is from Reliance Liquid Funds.** It is true to say that it was an investments from Raichand & Sons. It is not true to say that investments was from profits. One of the partner of Raichand and Sons must have put the money for the investments. It is true to say that profits from Raichand & Sons is credited to capital account of the partners. Now I have been shown statement at Exh. 87 page 17. **There are debit entries on 15/12/2016. amount of Rs. 15,00,000/- and on 21/12/2016 amount of Rs. 81,25,000/-. These are investments in Reliance Liquid Funds. There is credit entry on 31/1/2017 for the amount of 1,51,39,662/- from Birla Sunlife Mutual Fund. There is credit entry on 29/5/2017 for the amount of Rs. 50,22,559/- from Birla Sunlife Mutual Fund. There is debit entry on 15/12/2016 for the amount of Rs. 1,50,00,000/- which was invested in Birla Sunlife Cash Manager Fund. There is debit entry on 13/4/2017 for the amount of Rs. 50,00,000/- for investment in Birla Sunlife Cash Manager Fund. There are credit entries on dated 3/8/2017 of Rs. 38,50,000/-, 14/8/2017 of Rs.47,50,000/-, 14/9/2017 of Rs. 35,00,000/-, 27/9/2017 of Rs.**

> **26,75,000/- and 5/10/2017 of Rs. 39,50,000/- from C. Ketan & Company.** It is not true to say that I deposed falsely in my cross examination that income from Raichand & Sons was Rs.25,000/- to Rs.2,00,000/- per year. I have produced copy of my Form No.16 at Exh. 82 regarding salary from B.F. Fashions for two years. I do not receive salary from any other company than B.F. Fashions. Now I have been shown income tax returns produced alongwith list at Exh. 21. Those are at Exh. 96 to Exh.101. I have produced income tax returns of various companies in which I was/is director, at Exh. 63 to 75.
>
> Already sufficient time was granted to the advocate, for petitioner and 11 sessions of cross examination were already conducted and direction was given on the last date to complete the cross examination. Hence, today cross examination is closed. So cross examination is over.
>
> No re-examination
>
> (emphasis supplied)

11. Learned counsel for the respondent has opposed this interim application. She at the outset submits that Interim Application No. 3563 of 2025 has been filed whereby a prayer has been made for a direction against the applicant to produce the details of her investments, Fixed Deposits, etc. and the manner in which she has utilized the interim maintenance which was granted by the Family Court during the pendency of the proceedings which were pending from 9 May 2013 to 22 July 2022. By an interim order, the Family Court had directed the respondent to pay to the applicant an amount of Rs.60,000/- per month towards interim maintenance.

12. Learned counsel for the respondent has also opposed the applicant's prayer for withdrawal of the amount on the ground that the applicant has sufficient income and that she has stated in her evidence that her expenditure for the month is Rs.15,000/- and therefore, she is not in

requirement of such amounts. However, in making these submissions, learned counsel for the respondent is not in a position to dispute that the applicant is not employed and that she is wholly dependent on her father who is a senior citizen, retired bank employee, as also she is not in a good state of health. It is contended that sufficient amounts were paid to her as monthly maintenance and it is likely that such amounts are available, the Court ought not to permit withdrawal of the amounts.

13. According to the respondent, some Income Tax Returns of the respondent for the years 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25 would demonstrate that the respondent is not in a sound financial position, however, we find that the gross total income of the respondent for many of these assessment years is quite substantial. It is also seen that there was a drop for the assessment year 2023-24 when the income is shown as Rs.3,26,930/- and for the assessment year 2024-2025, it was shown as Rs.4,92,960/-. In any event, it cannot be overlooked that the respondent is a businessman of the nature as discussed hereinabove.

14. We find from the applicant's cross-examination that she also contributed for the household expenses when she received the interim maintenance amounts as also expended amounts on other members of the

family, as also she was making some payments to her father and some small amounts were being invested. She has also clearly deposed on the meagre amounts in her bank account.

15. From the perusal of the record, we find substance in the contention as urged on behalf of the applicant that the respondent is Director/Partner in 15 companies. He is part of a large reputed business in the name and style of 'Bharat Furnishing', who is stated to be global supplier of furnishing. There are several bank accounts. We have perused the bank statements where the turnover in the bank accounts *prima facie* does not appear to be what is reflected in the Income Tax Returns. Hence, we do not find that the contention as urged on behalf of the respondent to oppose this application on the basis of any weak financial position of the respondent can be accepted to be a correct position on record. In fact, in our opinion, it appears to be not a bonafide and correct defence.

16. We cannot overlook from the record that it was the applicant who had approached the Family Court praying for the divorce under the provisions of Section 13(1)(i-a) of the Hindu Marriage Act, 1955. We also cannot overlook that the contention of the applicant that it was the third marriage of the respondent with the applicant and as informed to us by the applicant who is present in the Court that earlier marriages of the respondent lasted for about four months.

17. It is clear from the voluminous record that the applicant is correct in the contentions that the respondent is a man of means and is also in a strong financial position. He also has an immovable property i.e. 2 flats at Prabhadevi and Tardeo. It has come in evidence that he has not denied to have such flats.

18. On the aforesaid backdrop, we are required to consider the prayer for withdrawal of the amount as made in the application. The primary consideration for us would be whether the applicant can be left high and dry and without any financial stability and more particularly when she had undergone three surgeries and that she is completely dependent on her father who is a retired bank employee. The first appeals are pending final hearing. The applicant was awarded an amount of Rs. 60,000/- per month as an interim maintenance, which was accepted by the respondent. However, she is not receiving any amount since the passing of the impugned judgment and order dated 22 July 2022. In these matters, when livelihood of the applicant is concerned, the respondent cannot have a business consideration that he would keep this amount in the bank and think of paying interest to the applicant whenever necessary.

19. On the other hand, we have seen that the respondent is a Director/Partner in 15 companies and it is not the respondent's case that such companies have become insolvent and/or they have no assets and/or these are defunct companies. We are also not satisfied with the respondent's

contention that some of the companies are not performing and have filed meagre returns, which be construed to mean that the respondent is not in a sound financial condition. We do not accept the respondent's contention that the financial position of the respondent's companies is reflective of the respondent's financial posititon and standing. As seen from the record, the respondent has a number of bank accounts which has transactions of large amounts. Even huge credit card bills are paid which is writ large to show the financial capacity of the respondent. In fact, such transactions in the bank account do not reflect the impression which is sought to be created by the respondent of any weak financial condition. Moreover, on a deeper scrutiny of the record, it appears to us that the plea taken by the respondent is a complete eyewash. Thus, the amount which is deposited by the respondent in this Court in pursuance of our order dated 15 January 2025, even if substantially withdrawn by the applicant, it would not cause any prejudice to the respondent. We cannot overlook the basic humane considerations and the precarious financial position in which the applicant stands. The right to livelihood of the applicant who has been fighting this legal battle for last 12 years needs to be an essential consideration when the Court is called upon to pass orders on such proceedings.

20. Insofar as the respondents contention that an Interim Application No.3563 of 2025 is filed by the respondent praying for additional documents to be ordered to be brought on record by the applicant over and

above the materials which are already on record of the Family Court and unless the same are not brought on record, the applicant ought not to be permitted to withdraw the amount. We do not find that the frame of the said application would in any manner assist the respondent inasmuch as filing such an application could only be resorted in terms of Order 41 Rule 27 of the Civil Procedure Code i.e. for production of additional evidence before the appellate Court, and for which the conditions as set out in the said provisions would be required to be satisfied. There are no averments to that effect in such Interim Application as filed on behalf of the respondent. We are accordingly not inclined to entertain any plea on the basis of the said Interim Application to deny relief to the applicant.

21. We are also conscience of the fact that the impugned order was passed on 22 July 2022, and for almost about three years not a single farthing is received by the applicant as maintenance.

22. In the aforesaid circumstances, we are inclined to partly allow this application in terms of the following order:-

ORDER

i. The applicant is permitted to withdraw from this Court an amount of Rs.1,00,00,000/- (Rs. One Crore only) unconditionally.

ii. Insofar as the balance amount is concerned, the same shall be subject to further orders to be passed on the appeals.

iii. The learned Registrar (Judicial) shall grant withdrawal of the said amount on an authenticated copy of this order being presented by the applicant.

iv. Interim Application No. 2735 of 2025 stands disposed of in the aforesaid terms. No costs.

v. Parties to act on an authenticated copy of this order.

23. At this stage, Ms. Irani, learned counsel for the respondent prays for stay of this order. It is opposed on behalf of the applicant. Considering the facts and circumstances of the case, the request for stay is rejected.

(ADVAIT M. SETHNA, J.) **(G. S. KULKARNI, J.)**