IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.797 OF 2025

Punam Shrikant Gavhane ...Petitioner
Versus
Shrikant Sanjay Gavhane & the State ...Respondent

Mr. Nagesh Y. Chavan, Advocate for Petitioner.
Mr. Sameer P. Nangare for Respondent No.1.
Mr. S.S. Ghag, APP for Respondent No.2 - State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26^{th} March 2025

P.C.:

1. Heard Mr. Chavan, learned Counsel for the Petitioner and Mr. Nangare, learned Counsel for the Respondent No.1.

2. By the present Writ Petition, challenge is to the legality and validity of the Order dated 16^{th} December 2024 passed by the learned Additional Sessions Judge, Pune in PWDVA Appeal No.98 of 2024.

3. By the impugned Order, the said Appeal has been allowed and the Order dated 11^{th} June 2024 passed by the learned JMFC, Pune below application dated 20^{th} November 2023 in PWDVA No.716/2023 is partly set aside. By the said Order dated 11^{th} June 2024, the learned JMFC, Pune has granted Rs.25,000/- per month

towards interim maintenance to the Petitioner. By the impugned Order dated 16th December 2024 passed by the learned Additional Sessions Judge, Pune, the Order dated 11th June 2024 of learned JMFC to the extent of directing the present Respondent No.1 to pay an amount of Rs.25,000/- per month to the Petitioner has been set aside.

4. The main ground on which the said Order is set aside is that the Petitioner in her disclosure affidavit has stated that she has not filed Income-Tax Returns and as the Income-Tax Returns has been pointed out by the Respondent-husband, the learned Additional Sessions Judge,Pune has set aside the Order of maintenance on the ground that the Petitioner-wife has not come to the Court with clean hands.

5. However, Mr. Chavan, learned Counsel for the Petitioner submitted that the said statement in the affidavit of disclosure that at no point of time, Income-Tax Returns are filed by the Petitioner-wife, is in fact a typographical mistake. He submitted that the said Affidavit of disclosure is dated 16th February 2024 and on the very day by separate application dated 16th February 2024, certain documents were produced by stating that the said documents are

produced along with said Affidavit of disclosure. Along with said application dated 16th February 2024, various documents are produced before the learned Trial Court including Income-Tax Returns of the Petitioner. He therefore submitted that on the basis of said typographical mistake, the learned Appellate Court has erred in setting aside the Order granting maintenance.

6. After arguing the matter for some time, both the learned Counsel submitted that the said Order dated 16th December 2024 passed by the learned Additional Sessions Judge, Pune be set aside and the Order dated 11th June 2024 passed by the learned JMFC, Pune be restored by directing that instead of maintenance of Rs.25,000/-per month, the Respondent No.1 be directed to pay maintenance of Rs.15,000/- per month.

7. Accordingly, following Order is passed by consent of the parties:

O R D E R

(i) Order dated 16th December 2024 passed by the learned Additional Sessions Judge, Pune in PWDVA Appeal No.98 of 2024 is quashed and set aside.

(ii) Resultantly Order dated 11th June 2024 passed by the learned JMFC, Pune in PWDVA No.716/2023 is restored subject to modification that instead of Rs.25,000/- per month as maintenance to the Petitioner, maintenance of Rs.15,000/- per month is granted.

(iii) The said maintenance of Rs.15,000/- per month is granted w.e.f. 1st January 2025.

(iv) The Respondent No.1 to pay said maintenance on or before 10th day of each succeeding month.

(v) As far as arrears for the months of January and February 2025, the same shall be paid within a period of two months from today.

8. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

BHALCHANDRA GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by BHALCHANDRA GOPAL DUSANE
Date: 2025.03.29 16:34:56 +0530