



2-3521-2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3521 OF 2025

(Mrs. Priya @ Shreshthi w/o Prathmesh Rahalkar Vs. Prathmesh s/o Bharadwaj Rahalkar)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Kalyani Dharashivkar, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
JULY 8, 2025

The petitioner – wife is questioning order dated 4/11/2024 passed by the Principal Judge, Family Court, Nagpur, in Petition No. A-62/2023, thereby rejecting the application made by the petitioner to direct the respondent – husband to pay her maintenance @ Rs.1,00,000/- per month.

2] Having heard the learned Counsel for the petitioner and having gone through the material placed before me, including the order impugned, it appears that the Family Court has rejected the application on the following grounds :

“1 to 5

6] Above discussion would go to show that the petitioner has made inconsistent statement about the status of her job, she failed to produce her fresh appointment letter or salary slip. Her bank statement (filed below list Exh.21) shows that the entries of salary of Rs.29,700/- in the month of February, 2024. In the absence of termination or resignation letter, it has to be presumed that still she is working and getting similar salary. Undisputedly, she is highly qualified and a professional Architecture. Considering her such education and working experience, it is difficult to believe that she is

sitting idle at home and having no income. In the absence of any other genuine ground, there was/is no reason for her to sit idle at home. Her act of allegedly resigning from the job, just one day before filing of present application, also is very unusual and creates doubt about her contention that she has no source of income. Hence, considering all above facts and circumstances and petitioner's qualification and experience, I find no substance in her contention that she has no source of income and she is unable to maintain herself.

The learned advocate for the respondent has rightly cited above case laws, wherein it has been observed and held that a highly qualified lady/wife who, was/is, having experience of working, is not entitled for maintenance. In the case of E. Shanthi V/s. H. K. Vasudev, the wife was Doctor. Similarly, in the case of Rupali Gupta V/s. Rajat Gupta, the wife was Chartered Accountant, and in the case of Mamta Jaiswal V/s. Rajesh Jaiswal, the wife was M.Sc. M.C. M.Ed. and was working in the Collage. In the case before me also, the petitioner is an Architect by profession, she was working before and after marriage, and even just one day before filing of present application she was working. Most importantly, on the date of argument on this application i.e. on 11.10.2024, a statement was made that she is working and earning Rs.15,000/- per month. Hence, considering all above peculiar circumstances, I find no substance in petitioner's prayer for awarding maintenance pendent-lite in her favour. The provision of maintenance is made for women litigants, who have no source of income or having income insufficient to maintain herself. However, it is not so in present application. Therefore, she cannot claim maintenance from the respondent. Hence, having regards to all above facts and circumstances, I am of the view that the petitioner is not entitled for maintenance pendent-lite from the respondent. Accordingly, point nos. 1 & 2 are answered in the negative."

3] As could be seen, the petitioner made inconsistent statement about her status of job. She was earning salary @ Rs.29,700/- per month. She did not place on record the termination or resignation letter and, therefore, the Family Court rightly presumed that she is still working and getting similar salary. The Court also took note of the fact that the petitioner is highly qualified and a professional Architecture. The Court further noted that the petitioner failed to place on record any cogent evidence in support of her plea that she is unemployed.

4] Thus, it appears that the plea of sitting idle has been taken to extract amount from the respondent – husband. The petitioner, who is qualified Architecture and was earlier in employment, should, at least, make sincere efforts to get employment and place on record the evidence in support. In other words, persons like the petitioner, should not approach the Court seeking maintenance only on the ground that she is not earning. What is expected from persons, like the petitioner, is her sincere efforts to seek employment, and if, in spite of such efforts, she fails to get employment, she will be definitely entitled for interim as well as final relief of maintenance.

5] In the present case, there is nothing on record to show the efforts made by the petitioner to seek employment. In fact, the petitioner was in employment. Further, the Counsel for the petitioner, at the time of argument before the Family Court, submitted that the petitioner is working and getting salary of Rs.15,000/-

per month. Evidence to that effect appears to have been not placed on record.

6] Thus, at one point of time, the petitioner has taken a plea that she was earning Rs.29,700/- per month, at the other, she takes a plea of unemployment, and while arguing the case, she submits that she is earning Rs.15,000/- per month. With such an inconsistent plea, the Court below is bound to disbelieve her theory of being unemployed.

7] The Family Court has referred to the judgment in *Dr. E. Shanthi Vs. H.K. Vasudev* [AIR 2005 KARNATAKA 417] to render a finding that a highly qualified wife having experience of working will be not entitled for maintenance, unless her efforts to get employment was unfruitful.

8] In any case, the inconsistent stand taken by the petitioner would make her theory unbelievable. The petitioner should have come clean before the trial Court. Having not done so, she is not entitled for receiving maintenance on the false plea that she is unemployed.

9] In the circumstances, I do not find any reason to interfere with the impugned order in supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed in *limine*. No costs.

(ANIL L. PANSARE, J.)

Sumit