



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5146 OF 2024

Shri Santosh S/o. Ganeshprasad Tiwari

..VS..

Sau. Sarita W/o. Santosh Tiwari

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

Court's or Judge's orders

Mr. Vilas Dongre, Advocate for petitioner.

Mr. Raju Kadu, Advocate for respondent.

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 04th APRIL, 2025

1. Heard learned Counsel for the petitioner and learned Counsel for the respondent.

2. The main grievance in this petition is that the learned Family Court No.3, Nagpur directed the petitioner to pay interim maintenance @ Rs.10,000/- per month assuming the pension of the petitioner is of Rs.40,000/-, because he was serving in BSF. However, contention of the petitioner is that he is receiving the pension @ Rs.25,975/- per month. As such, it would be appropriate to direct the petitioner to place on record an affidavit of assets and liabilities in view of the Judgment of the Hon'ble Apex Court in *Rajnish Vs. Neha & Anr.*, reported in *(2021) 2 SCC 324*. The learned Family Judge-2, Nagpur to

reconsider and hear afresh the application for grant of interim maintenance.

3. Learned Counsel for the petitioner undertakes on instructions that the petitioner shall file the affidavit of assets and liabilities before the learned Trial Court on 11.04.2025, on which date the matter is fixed for evidence.

4. The common order dated 05.04.2024 passed below Exhibit-31 in Petition No. E-148/2015 and below Exhibit-19 in Petition No. A-11/2020 is hereby quashed and set aside.

5. The learned Family Court-2, Nagpur is hereby directed to consider the affidavit and then after granting due opportunity of hearing to both the parties, appropriate order be passed on the application of interim maintenance.

The Writ Petition stands **disposed of** in the above terms.

(SMT. M.S. JAWALKAR, J.)