

Prashant S/o Ashok Chavhan,
Aged about 34 years, Occ. Nil,
R/o. Hiwalni (Talao), Tah. Pusad,
District Yavatmal

... PETITIONER(S)

// VERSUS //

Sau. Poonam W/o Prashant Chavhan,
Aged about 28 years, Occ. Business,
R/o. Hiwalni (Talao), Post Adgaon,
Tah. Pusad, District Yavatmal

.... RESPONDENT(S)

Shri C.R. Sharma, Adv a/w Ms. M.A. Deshkar, Adv for the
Petitioner(s)
Shri A.S. Joshi, Advocate for the Respondent

CORAM : M.S. JAWALKAR, J.
MARCH 24, 2025

ORAL JUDGMENT :-

. The matter is taken up for final disposal at the stage of admission with the consent of the parties.

(2) **RULE.** Rule made returnable forthwith.

(3) The Petitioner is challenging the order dated 15/09/2022 passed below Exhibit 16 in Hindu Marriage Petition No. 02/2020 by the learned Joint Civil Judge Senior Division, Pusad thereby granting maintenance of Rs. 8,000/- per month to the Respondent – Wife.

(4) It is contended that while passing this order, the learned Lower Court has not considered that already the maintenance is granted to the Wife in the proceedings under Section 125 of the Code of Criminal Procedure, 1973 as well as under the Protection of Women From Domestic Violence Act, 2005. This fact is not disclosed by the Wife to the Court and the Court passed the impugned order. In fact, even though the Petitioner – Husband was opposing and has not filed the say, it was incumbent on the part of the Respondent – Wife to disclose this fact. However, it is admitted by the learned Counsel for the Respondent – Wife that they have not placed on record the orders passed in the

proceedings under Section 125 of the CRPC and DV proceedings before the learned Trial Court.

(5) As such, in my considered opinion, the impugned order is liable to be quashed and set aside and it would be appropriate to grant opportunity to the Petitioner as well as the Respondent to submit their says.

(6) Hence, I proceed to pass following order:-

ORDER

(a) The Writ Petition is **allowed**.

(b) The order dated 15/09/2022 passed below Exhibit 16 in Hindu Marriage Petition No. 02/2020 by the learned Joint Civil Judge Senior Division, Pusa, District Yavatmal is hereby quashed and set aside.

(c) The matter is remitted back to the learned Trial Court for fresh decision on Exhibit 16.

(d) The parties shall appear before the learned Trial Court on 08/04/2025.

(e) The learned Trial Court is directed to grant opportunity to both the parties to submit their says. The learned Trial Court is also directed to obtain from both the parties the Assets and Liabilities' affidavits as directed by the Hon'ble Apex Court in the case of **Rajnesh vs. Neha & another, (2021) 2 SCC 324.**

The Petition stands **disposed of** in the above terms.
Pending Application(s), if any, stand(s) **disposed of**.

(M.S. JAWALKAR, J.)