



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO. 2436 OF 2025

SWAPNIL DILIP BAWA
VERSUS
ROHINI SWAPNIL BAWA

...

Mr. Vaibhav B. Dhage, Advocate for the Petitioner
Mr. Vinod B. Jadhav, Advocate for Respondent

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 04.03.2026

PER COURT :-

. The marital controversy in this matter is between two highly educated professionals working in the medical field. The marital discord occurred between the parties within a very short time after the marriage was solemnized in the year 2019. The petitioner as also the respondent are doctors by profession.

2. The petitioner has filed proceedings under Section 9 of the Hindu Marriage Act, 1955 against the respondent, while the respondent - wife has lodged proceedings under Section 125 of the Criminal Procedure Code. The learned Judge of the Family Court, Latur directed the present petitioner to pay the monthly maintenance of Rs.15,000/- to the respondent as an interim arrangement during the pendency of the main petition. As against the interim order, the petitioner - husband is before this Court. This Court, vide order

dated 04.03.2025 has stayed the further proceedings of the trial pending before the learned Judge of the Family Court. However, the execution and operation of the impugned order is not stayed.

3. Mr. Vaibhav B. Dhage, learned counsel for the petitioner would submit that the respondent has suppressed the very material facts from the Trial Court and as such she is not at all entitled for any maintenance from the petitioner. He would advance an argument that the learned Trial Court be directed to conclude the trial in a time framed manner and the parties be permitted to agitate their respective cases on merits. However, the learned counsel for the petitioner would submit that the impugned order directing interim maintenance may not be given any effect during the pendency of the trial.

4. Learned counsel for the respondent - wife would however vehemently oppose the argument. He would fairly agree for early disposal of the main proceedings but he would again rely on the order dated 04.03.2025 passed by this Court thereby the effect and operation of the impugned order directing interim maintenance is not stayed. He would therefore submit that the learned Trial Court has rightly passed the impugned order considering the facts placed before it. He would submit that the learned Trial Court was convinced on the *prima facie* case put up by the respondent seeking interim maintenance. Learned counsel for the respondent would say that the

petitioner's objection regarding alleged suppression of facts by the respondent – wife must be proved during the main trial. That, for any reason, the impugned order has to be obeyed by the petitioner. Learned counsel for the respondent - wife would submit that since passing of the impugned order, the petitioner - husband has not at all paid a single rupee towards the interim maintenance as has been directed by the learned Trial Court. He would submit that even after agitation by the petitioner, this Court also has not stayed the impugned order. As such he would submit that the petitioner be directed to clear all arrears, which amount to approximately Rs.5,00,000/- and be directed to regularly pay maintenance till disposal of the trial.

5. Considering the controversy raised by the parties and the arguments advanced by the learned counsel for the petitioner, I deem it appropriate to pass the following order :

ORDER

- a. The learned Judge of the Family Court, Latur is requested to proceed with the proceedings in H. M. P. E.No.67/2023 and conclude the trial within a period of twelve (12) months from today.
- b. The parties have already submitted their statements of assets and liabilities and they shall not seek any adjournment during the trial process and shall participate in the trial

efficiently.

c. The petitioner shall deposit 50% of the arrears of interim maintenance with the Trial Court within a period of two (2) weeks from today and shall regularly pay the interim maintenance amount to the petitioner from the month of March 2026.

d. The deposited amount towards arrears shall be kept in a nationalized bank and its disbursement shall be subject to final decision of proceedings under Section 125 of Cr.P.C. pending before the learned Trial court.

e. The respondent shall be entitled to the monthly interest accrued on the deposited amount towards arrears.

f. The petitioner undertakes to pay monthly maintenance of Rs.15,000/- regularly, without any default, on or before the 10th day of each month in advance. The first payment shall be made on or before 10th March 2026.

g. All the contentions of the parties are kept open.

h. The writ petition is disposed of.

[AJIT B. KADETHANKAR, J.]