

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4483 OF 2025

Dnyaneshwar Narayan Jadhav

VERSUS

Rupali Dyaneshwar Jadhav

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Advocate for the Petitioner : Mr. Tambe Rahul A

Advocate for Respondent : Mr. N.C. Garud

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 23, 2026

PER COURT :-

1. Present petition takes exception to order dated 24.02.2025 passed below Exhibit-13 by learned Civil Judge Senior Division, Karjat in H.M.P. No.54 of 2024, whereby petitioner/husband was directed to pay interim maintenance of Rs.6,000/- per month to respondent/wife.

2. The petitioner instituted proceeding under Section 13(1) of Hindu Marriage Act for decree of dissolution of marriage. The respondent/wife filed an application under Section 24 of Hindu Marriage Act seeking interim maintenance. The Family Court allowed said application and granted interim maintenance @ Rs.6,000/- per month to respondent/wife by impugned order.

3. Mr. Tambe, learned advocate appearing for petitioner heavily relies upon the document showing that land to the extent of 2 H 48 R stands in the name of respondent/wife and she is cultivating

the same. He also invites attention of this Court to compensation amount received under Pradhan Mantri Fasal Bima Yojna in the name of respondent/wife. He would, therefore, urge that respondent/wife has sufficient income to maintain herself. Mr. Tambe relies upon bank statement to show that amount of Rs.6,730/-, Rs.6,454/- and Rs.3,000/- is received to respondent/wife during period from 26.08.2024 to 29.08.2024. He would, therefore, urge that it was obligatory on part of respondent/wife to disclose her income by filing affidavit in terms of law laid down by Hon'ble Supreme Court in case of ***Rajnesh Vs. Neha and Another*** reported in ***(2021) 2 SCC 324***.

4. Mr. Tambe would further rely upon observations of Hon'ble Supreme Court in case of Aditi Alias Mithi Vs. Jitesh Sharma in Criminal Appeal No.3446 of 2023 decided on 06.11.2023 particularly para 14 to contend that unless both parties file affidavit in terms of judgment in case of ***Rajnesh*** (supra), application for interim maintenance could not have been decided, however, Family Court has faulted in deciding the application in violation of guidelines issued in this regard.

5. Mr. Garud, learned advocate appearing for respondent supports impugned order.

6. Admittedly, petitioner has filed proceeding for divorce against wife. The respondent/wife is not residing with him. Although petitioner is trying to rely upon document showing that agricultural

land stands in name of respondent/wife or she has received some compensation towards crop loss, that itself would not be sufficient to hold that respondent/wife has sufficient income to maintain herself. Pertinently, petitioner has not filed his own affidavit before Trial Court disclosing his sources of income or assets in terms of law laid down in case of **Rajnish** (supra). In that view of matter, petitioner cannot blame respondent for not filing her affidavit disclosing income. Even as per contention of petitioner, except income from agriculture, there is no other source of income to wife. The interim maintenance of Rs.6,000/- has been assessed by the Court considering status of parties. This Court did not find that interim maintenance of Rs.6,000/- is excessive and exorbitant or in any way unjustifiable. Hence, writ petition stands rejected.

7. The amount deposited by petitioner in terms of interim order be transmitted to Trial Court for disbursal in favour of respondent/wife.

8. Parties are *ad idem* that recording of evidence is started in trial. In this background, Trial Court shall endeavour to decide proceeding for divorce at the earliest and in any case within a period of six months from today.

(S.G. CHAPALGAONKAR, J.)