

Salgaonkar

MANDIRA MILIND
SALGAONKAR

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Date: 2026.04.28 10:52:09 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.30 OF 2024
WITH
INTERIM APPLICATION NO.1658 OF 2024

Sumitra Ganesh Khalipe .. Appellant
Versus
Ganesh Sadashiv Khalipe .. Respondent

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Dr.Pradip Chavan with Ms.Shweta Borhade and Mr.Sushant Valhalkar i/b Pradip Chavan & Associates for the Appellant.

Mr.Mandar Limaye with Mr.Vedant Bende h/f Mr.Virendra Pethe for the Respondent.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATE : 24th APRIL, 2026

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P.C:-

1. The Appellant-wife has challenged the order passed by the Family Court, Thane vide judgment dated 23/08/2023, whereby the parties have been granted divorce, which is not under challenge before this Court. The only challenge raised by the wife is to the quantum of maintenance, which is directed to be paid at the rate Rs.20,000/- per month, by allowing her counter-claim.

2. We have perused the judgment. The learned Judge has framed Issue Nos.6 and 7 about the entitlement of maintenance of the Appellant. On perusal of the answer to the issues that were framed, we find that without recording any finding after appreciating the evidence, the learned Judge has relied on the interim maintenance granted by the City Civil & Sessions Court, Gr.Mumbai in the divorce proceedings filed by the Appellant-wife, where an amount of Rs.20,000/- towards interim maintenance has been granted. There is no appreciation of evidence, which is led by the parties in the proceedings before the Family Court. Though it is submitted by the learned Advocate for the Appellant that the affidavit of assets and liabilities was very much placed on record, we do not find any reference to it in the order. Therefore, we find that without reference to the evidence led by the parties, the order on maintenance has been passed by the learned Judge, without recording of any reason. Thus, making it an unreasoned order, which cannot be sustained.

3. In this view of the matter, we remand the matter back to the Family Court to the extent of redetermination of Issue Nos.6 and 7, based on the evidence led by the parties.

4. Till the adjudication of Issue Nos.6 and 7 afresh, the Respondent shall continue to deposit the maintenance amount, as directed earlier, in favour of the Appellant.

5. It is clarified that, if necessary, parties are at liberty to place on record the additional documents on record.

6. The learned Judge of the Family Court shall make every endeavor to decide the Issues within a period of six months.

Both the parties undertake to co-operate with the Court in expeditious disposal of the petition.

7. With the aforesaid direction, the Appeal stands disposed of.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)