

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6180 OF 2024

Safal Devendra Targe ...Petitioner

Versus

Archana Safal Targe @ Archana Barikrao Munde ...Respondent

WITH

MISCELLANEOUS APPLICATION NO.341 OF 2023

Archana Safal Targe ...Applicant

Versus

Safal Devendra Targe ...Respondent

Mr. Nikhil Manohar Pujari, for the Petitioner.

Ms. Surbhi Agrawal, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED : 30th JANUARY 2026

P. C.:

1. Heard Mr. Pujari, learned Counsel appearing for the Petitioner and Ms. Agrawal, learned Counsel appearing for the Respondent.

2. In this Writ Petition, the challenge is to the order dated 8th January 2024 passed by the learned Judge, Family Court, Nashik below Exhibit-5 in Petition No.A-589 of 2020 by which, Rs.8,000/- per month has been directed to be paid to the Respondent-wife as

interim maintenance from the date of the application i.e. from 17th December 2020 till the disposal of the Petition.

3. By order dated 7th March 2024 the impugned order dated 8th January 2024 has been stayed on the condition that the Petitioner-husband deposits an amount of Rs.1,00,000/- in this Court. In the order dated 8th January 2024, it is specifically recorded in paragraph No.4 that neither parties have filed affidavit of assets and liabilities.

4. At this stage, Ms. Agrawal, learned Counsel appearing for the Respondent submits that after the impugned order has been passed the Respondent-wife has filed affidavit of assets and liabilities.

5. The Supreme Court in the case of *Rajnesh vs. Neha & Anr.*¹ has held that both the parties have to file affidavit of assets and liabilities and if such affidavit of assets and liabilities is not filed then, adverse inference shall be drawn by the Court.

1 (2021) 2 SCC 324

6. It is an admitted position that when the impugned order dated 8th January 2024 has been passed neither parties have filed affidavit of assets and liabilities. Thus, the impugned order dated 8th January 2024 passed by the learned Judge, Family Court, Nashik below Exhibit-5 in Petition No.A-589 of 2020 is quashed and set aside and the said application bearing Exhibit-5 in Petition No.A-589 of 2020 is restored to the file of learned Judge, Family Court, Nashik.

7. Both the parties are at liberty to file affidavit of assets and liabilities including additional affidavit of assets and liabilities, if already filed as it is the contention of the Respondent-wife that after the impugned order has been passed the Respondent has filed such affidavit. The learned Judge of the Family Court, Nashik shall decide the said application bearing Exhibit-5 in Petition No.A-589 of 2020 afresh after hearing both the sides. The learned Judge is requested to dispose of said application bearing Exhibit-5 in Petition No.A-589 of 2020 expeditiously.

8. It is clarified that this Court has not considered the merits of said Exhibit-5 application in Petition No.A-589 of 2020 as the

impugned order is quashed and set aside on limited ground as indicated herein above.

9. All contentions of both the parties are expressly kept open.

10. Pursuant to the order dated 7th March 2024, the Respondent-wife is permitted to withdraw the amount of Rs. 1,00,000/- deposited in this Court, without prejudice to the rights and contentions of both parties. The Registry is directed to take appropriate steps in this regard.

11. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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