

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7607 OF 2024

Mr. Sudhanshu Samrat Prasad	...Petitioner
<i>Versus</i>	
Mrs. Kavita Sudhanshu Prasad	...Respondent

Mr. Sudhanshu Samrat Prasad, Petitioner in-person.
Mr. Shubham Saraf i/by Mr. Pawan Patil for Respondent.

CORAM : MADHAV J. JAMDAR, J.
Pronounced on : 17th January 2026
Uploaded on : 20th January 2026

JUDGMENT :

1. Heard Mr. Sudhanshu Samrat Prasad, the Petitioner in-person and Mr. Shubham Saraf, learned Counsel for the Respondent.
2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 13th March 2024 passed by the learned 13th Joint Civil Judge, Senior Division, Pune below Exhibit-5 in Marriage Petition No. 1386 of 2019.
3. At the outset, it is to be noted that since the marriage has survived only for six days, I asked the Petitioner, who appears in

person and Mr. Saraf, learned Counsel for the Respondent whether the dispute can be resolved, by consent.

4. Although, learned Counsel for the Respondent, on instructions, stated said that the Respondent is ready to settle the dispute, however, the Petitioner submitted that he is not ready to settle the dispute and he wants the Writ Petition to be heard on merits as far as legality and validity of the impugned Order dated 13th March 2024 and therefore, the matter is taken up for hearing.

5. By the impugned Order, an amount of Rs.15,000/- per month has been directed to be paid to the Respondent- wife towards interim maintenance as per Section 24 of the Hindu Marriage Act, 1955.

6. It is the submission of the Petitioner, who appears in person that the marriage survived only for six days and multiple cases have been filed by the wife. He submits that DV case has been filed by the Respondent as also Marriage Petition No.1383 of 2019 seeking dissolution of marriage. He submits that approximately about 70% amount i.e. Rs.7,55,000/- has been paid till date to the

Respondent. He therefore submits that the impugned Order be quashed and set aside.

7. On the other hand, learned Counsel for the Respondent submits that the Petitioner is employed in Central Railways on higher post. He submits that the Respondent has no permanent source of income. He submits that only an amount of Rs.15,000/- per month has been granted as maintenance when the Petitioner is having huge income. He therefore submits that the Writ Petition be dismissed.

8. Perusal of the impugned order clearly shows that the learned Trial Court has taken into consideration income of both the Petitioner-husband and the Respondent-wife. The learned Trial Court has taken into consideration that the Petitioner is working in a very high position in the Indian Railways i.e. Chief Controller. After analysing his bank details, the learned Trial Court has come to the conclusion that apart from salary, he is getting income from other sources. From perusal of Form-16, it has been found that the Respondent is getting gross salary of Rs.95,000/- to Rs.1,00,000/- per month and further the Petitioner is getting profit from share

trading investments and also he is owner of Mahindra Scorpio car and therefore, standard of living of the Petitioner is much higher than the Respondent. The learned Trial Court has also taken into consideration the contention, which has been raised by the Petitioner that he had obtained Rs.42,00,000/- (Rs. Forty Two Lakhs only) as loan from his brother after January 2022. It is required to be noted that the Marriage Petition has been filed in the year 2019 and the learned Trial Court has observed that the plea of taking huge hand-loan of Rs.42,00,000/- from the brother of the Petitioner is not supported by any justifiable material.

9. The learned Trial Court recorded in paragraph-17 as under :

17. Further, assets and liabilities affidavit of respondent shows that, **he has invested Rs.22,27,490/- amount in share market.** He also invested near about Rs.1 Lakh in Sovereign Gold Bond and N.S.C. Certificate. His D- Mat account details shows that, till 13/02/2024, he sustained loss of Rs.4,10,597/-. It is worthwhile to note that, **respondent also gained Rs. Rs.7,70,251/-from the share trading since 14/02/2023 till 14.02.2024. It shows that, respondent has gained income of Rs. 3,59,654/- (16.14%) from share trading investment i.e. Rs.22,27,490/- for the said period."**

(Emphasis added)

Thus, it is clear that the Petitioner apart from salary has huge income.

10. The learned Trial Court also took into consideration the income of the Respondent-wife and found that Rs.4,55,598/- amount has been credited in her account from time to time since 03.07.2019 till 02.02.2024. After analysiing the evidence on record, the learned Trial Court recorded finding in paragraph Nos. 20 and 21 as under :

20. Further, respondent has placed on record some photographs depicting that petitioner is doing **beauty parlor** business and advertisement of water purifier. **Petitioner has also disclosed in her asset and liability affidavit that, she would receive Rs. 2,000/- to 3,000/- from one order if received. Overall, credited flow in the bank account of petitioner shows that, tentatively Rs. 10,000/- to 12,000/- amount has been credited per month in her bank account. However, it can't be considered as her net income. She also might have incurred expenses to purchase the beauty parlor material for the same. Tentatively, petitioner might be earning Rs. 7,000/- per month income from the beauty parlor business and advisement business.**

21. On the other hand, **on perusal of bank accounts of respondent, it appears that, apart from his salary huge amount has been credited to his bank accounts which includes share trading amount. On perusal of Form No.16, tentatively, respondent is getting gross salary of Rs.95,000/- to 1,00,000/- per month. Further respondent is also gaining profit from the share trading investment as mentioned above. Overall, the credit flow of respondent's**

bank account is substantively high than the credited amount in the bank account of petitioner. Further **respondent is the owner of Mahindra Scorpio Jeep. It shows that, the standard of living of respondent is much high than the petitioner. Respondent is working on higher official post in Central Railway Department.** Being a central government servant, he might be getting hike of 1 annual increment and hike in dearness allowance in 2 times annually. Definitely the graph of respondent respondent's salary is growing day by day.”

(Emphasis added)

11. The impugned Order shows that by analysing the pleadings and documentary evidence on record and by giving detailed reasons, the learned Trial Court granted maintenance of Rs.15,000/- per month. In the facts and circumstances, even by analysing income, which the Respondent is getting, the learned Trial Court has granted maintenance of Rs.15,000/- per month. Thus, in the facts and circumstances, no case is made out for interference in the impugned Order under Article 227 of the Constitution of India.

12. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

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BHALCHANDRA
GOPAL DUSANE
Date: 2026.01.20
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