

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14935 OF 2023

Ritu Agrawal

...Petitioner

V/s.

Avinash Agrawal

...Respondent

**WITH
INTERIM APPLICATION NO. 7639 OF 2024**

WITH

WRIT PETITION NO. 11496 OF 2023

Avinash Agrawal,

Son of Basu Deo Agrawal

... Petitioner

V/s.

Ritu Agrawal,

Wife of Avinash Agrawal

... Respondent.

Adv. S. V. Giridhar a/w Adv. Manan Sanghai a/w Adv. P. Singh,
Advocate for the Petitioner in WP/11496/2023 & Respondent in
WP/14935/2023.

Adv. Abhijit Desai a/w Adv. Ms. Chaula Solanki a/w Adv. H. H. Nagi,
Adv. Niranjan Pradhan, Adv. Omna Shinde, Adv. Dev Shah, Adv.
Supriya Mishra, Adv. Shivank V. Singh i/b Nagi & Associates,
Advocate for Petitioner in WP/14935/2023 & Respondent in IA/7639
2024 WITH WP/11496/2023.

CORAM : N.R. BORKAR, J.
DATE : 04.05.2026.

P.C. :

1. Both these petitions take exception to one and the
same order dated 18.02.2023 passed by the Family Court in
Petition No. A-2452 of 2019 along with Petition No. E-263 of 2019.

2. In a petition filed by the husband-Avinash Agarwal for divorce, by the order impugned, the learned Family Court has directed the husband-Avinash Agarwal to pay an amount of Rs.1,00,000/- per month to the wife-Ritu Agrawal as interim maintenance. The husband-Avinash has filed the petition challenging the grant of interim maintenance, where as the wife - Ritu Agrawal has filed the petition for enhancement.

3. During pendency of both these petitions, the Family Court by the judgement and order dated 15.04.2024 had decided the divorce petition filed by the husband-Avinash Agrawal. The operative part of the judgement and decree passed by the Family Court in the main matter reads thus :

ORDER

1. *The petition is allowed.*
2. *The marriage between Avinash Agrawal (husband) and Ritu Agrawal (Wife) solemnized on 10.12.1993 at Hotel Holiday Inn, Bangalore, is hereby dissolved by decree of divorce on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, with effect from the date of decree,*
3. *The husband is hereby directed to pay permanent alimony of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only) per month to the wife from the date of decree till further order.*
4. *The husband is directed to deposit the*

amount of alimony as order above in designated account of the wife on or before 10th day of each month as per English calendar.

5. The copy of the judgment be given free of cost to the parties as per Section 23(4) of the Hindu Marriage Act.

6. Parties shall bear their own cost.

7. Decree be drawn accordingly.

4. It transpired during the course of hearing of the present Petitions that both the parties have already filed the appeals against the judgement and decree passed by the Family Court. It also transpired that in the appeal filed by the husband, he has questioned the impugned order and in the appeal filed by the wife, she has prayed for enhancement of alimony. In that view of the matter, there is no point in entertaining the present Petitions. The Petitions are dismissed.

5. Pending Interim Applications, if any, stand disposed of.

[N.R.BORKAR, J.]