

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1049 OF 2026

Anirudha Adityanarayan Upadhyay ...Petitioner

Versus

Prabha Anirudha Upadhyay ...Respondent

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Mr. Vaibhav D. Kadam *a/w. Ms. Vedika Bhoir and Mr. Rayyan Shah, for Petitioner.*
None for the Respondent.

CORAM : MADHAV J. JAMDAR, J.

Date : 6th February, 2026

PC :

1. Heard Mr. Kadam, learned Counsel appearing for the Petitioner. Inspite of service, none appears for the Respondent. The Respondent is also absent.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of Order dated dated 25th April, 2025 passed by the Family Court No. 6, Mumbai below Exh. 13 and 15 filed in Petition No. A/101355/2018 (“**Impugned Order**”). The said Exhibit 13 Application was filed by the Respondent Wife seeking maintenance for herself and two sons. Exhibit

15 application was filed by the present Petitioner-Husband seeking direction to the wife to pay EMI of the flat at Titwala.

3. By the Impugned Order, the Learned Judge of the Family Court dismissed application bearing Exhibit 15 and partly allowed Exhibit 13 application by directing that Rs. 5,000/- per month be paid as *interim* maintenance to each son. Learned Trial Court has observed that although it is the contention of the Petitioner-Husband that Respondent is a teacher and her salary is Rs. 67,000/-, however, the documents produced on record shows that her salary is Rs.47,000/-.

4. The Petitioner has stated before the Learned Trial Court that he is working as a Clerk and earning Rs.8,000/- per month. It is admitted position that the Petitioner is a diploma holder in Computer Engineering.

5. Although, it is the contention of Mr. Kadam, Learned Counsel appearing for the Petitioner-Husband that presently he is not even earning said amount of Rs.8,000/-, however, the Petitioner is a diploma holder in Computer Engineering. The Petitioner, who is present in the Court, states that he has to look after his old mother of 75 years. On

perusal of the bank statement of the Petitioner, the Learned Trial Court has observed that the Petitioner is not contributing towards any of the expenses and the wife is taking responsibility of maintenance of the children, their educational expenses as well as paying EMIs.

6. Thus, in the facts and circumstances, the Petitioner has approached this Court with unclean hands. As the Petitioner is a diploma holder in Computer Engineering, case made out that the Petitioner-Husband is not earning anything, cannot be accepted.

7. Accordingly, considering the facts and circumstances, no interference in the impugned order is warranted. The Petition is *dismissed*.

[MADHAV J. JAMDAR, J.]