

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3595 OF 2025

Pushpita Veenesh Sinha ...Petitioner
Versus
Veenesh Chandrabhushan Sharan Priyadarshi
(Sinha) ...Respondent

Mr. Mohit Bhardwaj i/b. Ms. Sapna Krishappa, for the Petitioner.
Ms. Chandni Chawla and Mr. Hamza Lakdawala, for the
Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 16th JANUARY 2026

PC:-

1. Heard Mr. Mohit Bhardwaj, learned Counsel appearing for the Petitioner and Ms. Chandni Chawla, learned Counsel appearing for the Petitioner.
2. By the present Writ Petition, the challenge is to the order dated 26th December 2024 passed by the learned Judge, Family Court, No.2, Mumbai by which the said application filed by the wife under Section 24 of the Hindu Marriage Act, 1955 for grant of interim maintenance has been rejected.

3. The factual aspects are as follow:

- i. The Petitioner got married to the Respondent on 19th May 2002, as per Hindu Vedic Rites at Shivpuri, Boring Road, Patna (Bihar). There are two sons, the first son Aryan was born on 2nd March 2003, and second son Aryav was born on 29th September 2009 who is a special need child. The parties are living separately since January 2019.
- ii. The Petitioner filed proceedings under the Protection of Women from Domestic Violence Act 2005 (“**D. V. Act**”) bearing C.C. No.154/DV/2020 (“**D. V. Proceedings**”). In said proceeding Exhibit-2 application is filed *inter alia* seeking interim maintenance. The learned Metropolitan Magistrate, Andheri, Mumbai by order dated 13th January 2021 awarded interim maintenance of Rs.1,25,000/- for the Petitioner as also for two children. The relevant observation in the said order of learned Metropolitan Magistrate as recorded in the impugned order reads as under:

*"As per the affidavit of the **respondent he is working as General Manager in Sigmex Foods***

India Private Limited and his monthly income is Rs.7,90,000/-. The affidavit of the respondent shows that even after paying EMIs he has the capacity to pay amount of about 1,25,000/- per month to the applicant for her maintenance and of the maintenance of children. In the circumstances, there is no reason for the respondent for not paying said amount to the applicant for the maintenance of the applicant and her children. Therefore, it would be proper to grant interim maintenance of Rs. 1,25,000/- per month for the applicant and her children from the date of the application”.

- iii. It is the contention of the Petitioner that in the year 2017 the Respondent had earlier surreptitiously filed a Petition seeking divorce in the Family Court at Pune. The said Petition has been subsequently transferred to the Family Court at Bandra on 2nd March 2022 and numbered as Petition No.A-364 of 2022 (“**Family Court Proceedings**”/ “**F.C. Proceedings**”).
- iv. On 16th December 2023, the Petitioner-wife filed Interim Application No.106 of 2023 in said Petition No.A-364 of 2022 seeking interim maintenance of Rs.3,50,000/- under Section 24 of the Hindu Marriage Act, 1955. According to the Petitioner, the same is inclusive of Rs.1,25,000/- per month maintenance already granted by the learned

Metropolitan Magistrate in D.V. proceedings. The Petitioner has raised the following contentions in said Interim Application:

(a) Said maintenance of Rs.1,25,000/- per month was granted during COVID-19 pandemic.

(b) The Respondent who was residing in a rented premises paying Rs 25,000/- per month as rent earlier is now staying in a 5-bedroom villa paying a rent of about Rs 1,50,000/- along with his paramour. Therefore, there is definitely a big jump in the remuneration of the Respondent. The Respondent is spending a large part of his income on his paramour while economically strangulating the Petitioner and her children in order to get divorce cheaply and in an unscrupulous manner overreaching courts and justice.

(c) The income of the Respondent-Husband at present is over Rs 14,00,000/- (Rs fourteen lakhs) per month in hand. The Respondent has clearly avoided placing on record his current salary slips, joining and bonus letters of Modenik

Lifestyle Private Limited where he has joined in most senior position of Chief Sales Officer. The Respondent has not yet declared his liquid assets in a transparent manner, nor placed all his current bank statements on record, despite such application and requests by the Petitioner. It is pertinent to note that the Respondent's salary exclusive of bonus when he was working in Bauli India was about Rs 1,67,00,000/- (Rupees one crore sixty-seven lakhs), however, thereafter due to the filing of these DV proceedings, the Respondent is manipulating his remuneration in new companies to dupe the courts. No person will join another company with a 30-40% cut in salary, whereas the new companies have given him more senior position and are bigger companies, rather there ought to be a jump in remuneration of the Respondent by similar percentage.

(d)The Petitioner has no source of substantive income and is unable to maintain herself and her two sons in the amount of Rs 1,25,000/- after COVID-19 period. The Petitioner submits that she has been out of job since last 10 years and

is not in a position to be gainfully employed after such a long hiatus to maintain the family of the Petitioner.

(e) The Petitioner sought the following reliefs in the said Interim Application No.106 of 2023 filed in Petition No.A-364 of 2022:

“a. That pending the hearing and final disposal of this petition, this Hon'ble court be pleased to direct the petitioner to pay and continue paying the monthly maintenance of a total amount of Rs 3,50,000/- (Rupees three lakh fifty thousand) from the date of this application exclusive as earlier to the payment of the EMI of the shared household, children's education, children's extracurricular activities, society maintenance, health insurance, car insurance, property tax and repairs and any other expenses of capital nature;

b. That the petitioner be directed to continue the payment of the EMI of the shared household, education expenses of both sons until their post-graduation, children's extracurricular activities, society maintenance, health insurance, car insurance, property tax and repairs and any other expenses of capital nature over and above the total monthly maintenance of Rs 3,50,000/-;”

v. In the meanwhile, the Petitioner also filed application bearing Exhibit-42 in said D.V. proceedings seeking

modification of order dated 13th January 2021 passed below Exhibit-2 in said D.V. proceedings. The said application was rejected by the order dated 19th December 2023 passed by the learned Metropolitan Magistrate. The said order has been challenged by the Petitioner before the Court of Sessions at Dindoshi (Borivali Division), Goregaon, Mumbai by filing Criminal Appeal No.382 of 2023 and by order dated 22nd October 2024 said order dated 19th December 2023 has been set aside and the matter is remitted to the learned Magistrate for deciding said Exhibit-42 application afresh.

vi. The Respondent-husband in the reply dated 8th August 2024 to the Interim Application seeking maintenance filed in the Family Court proceedings has stated as under:

“(a) With reference to para (3), I deny the allegations and averments made in the said para but it is true that I was already paying Rs.1,21,375/- as maintenance for respondent and children for day to day expenses. Considering that fact itself, the Hon’ble Trial Court has passed an order in DV application of maintenance of an amount of Rs.1,25,000/- p.m.. It is pertinent to note that the petitioner is paying an EMI of Rs 3,41,000/- in addition to the maintenance amount were the respondent and the sons are staying and where the

petitioner is not even allowed entry. So, out of my salary I am paying total amount of Rs,4,66,000/- In addition, she is getting rent of Rs.30,000/- from the flat at Delhi which is solely in her name.”

*“(b) I deny that I am staying in a five bedroom villa and paying the rent of Rs. 1,50,000/-. Rest of the allegations are false and untrue. **But the true facts are, presently I am staying in 3 BHK flat in Gurgaon where the rent is 35% less than what the respondent is claiming as my monthly rental. Respondent is staying in 3 BHK lavish big flat. The rent of the said flat is approx. Rs.2 lakhs, with Italian marble flooring, uninterrupted Aarey hill view, centrally air-conditioned, wall to wall aquarium fitted with all modern amenities and the approx. value of the said flat as on today is Rs.7,50,00,000/- (Rs. Seven crores fifty lacs only). The respondent is also owning one more lavish flat in Delhi which is worth Rs.2 crores approx.. This clearly shows that respondent is more than capable financially and living more lavishly than me.”***

“(c) I am working with Sinar Indah Pulp & Paper Pvt. Ltd. which is a small company and my annual income is Rs.1,76,01,707/- (Rs.one crore seventy six lakhs one thousand seven hundred and seven). If calculated, the salary I am getting in hand every month is around Rs.8 lakhs after deduction of income tax, income tax cess, income tax surcharge, professional tax, gratuity and provident fund. I further deny that I am having investments in stock because there are no stocks options, HRA or reimbursement which is over the given salary as what is alleged by the respondent.”

“(d) The true facts are that my salary amount has reduced which is 50% lower than the amount as claimed by the respondent. I am continuing to pay EMI of the house which is coming to Rs.3,41,000/- and medical expenses have increased owing to multiple health issues like blood pressure, diabetes, higher stress level, etc..”

vii. The learned Judge of the Family Court No.2, Mumbai by order dated 26th December 2024 rejected the said Interim Application No.106 of 2023 seeking interim maintenance. The reasoning set out in paragraph Nos.8 to 10 are relevant:

8. At the outset, petitioner has filed his latest salary slip for September 2024 with list Exh.17. According to this salary slip, his gross salary is Rs.14,66,809/- and net salary is Rs.8,12,190/- The deductions are provident fund of Rs.1,56,016/- and TDS of Rs.4,97,972/-. With such huge gross salary, it is obvious that a person pays provident fund of Rs.1,56,000/-. Therefore, the net income has to be considered for the purpose of maintenance.

*9. It is not in dispute that a flat at New Delhi stands in the name of respondent. The interim order passed by M.M. Court mentions that **she** gets rent of Rs.25,000/- per month from the said flat. Thus, this additional amount is available at the disposal of respondent. Her account statement contains entries to denote that petitioner is regularly paying the interim maintenance awarded by the M.M. Court. It means respondent gets a handsome sum of*

Rs.1,50,000/- per month for her maintenance. Question arises as to whether this amount can be termed as insufficient for the maintenance of respondent.

10. Petitioner is paying EMI of Rs.3,50,000/- of the loan obtained for the flat. This fact is not in dispute. The flat is occupied by respondent and the children. It means, petitioner is already bearing the expenses for the residence of respondent. In other words, the question of residence of respondent does not arise for consideration. From the net salary of Rs.8,12,190/- petitioner is paying Rs.4,75,000/- (EMI of Rs.3,50,000/- and interim maintenance of Rs.1,25,000/-). The residue remaining in the hands of petitioner is approximately Rs.3,37,190/-. From this amount, respondent expects additional Rs.3,50,000/- per month. It is practically not feasible.

(Emphasis added)

4. Thus, it is very clear that most important factor which the learned Judge of the Family Court took into consideration is that the Respondent-Husband is paying EMI of Rs.3,50,000/- of the house where the Petitioner-wife along with children are staying.

5. It is the submission of Mr. Mohit Bhardwaj, learned Counsel appearing for the Petitioner that the Respondent has stopped paying EMI of Rs.3,50,000/- per month for last few months and

therefore, the Bank has issued notice under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is the submission of Ms. Chandni Chawla, learned Counsel appearing for the Respondent that the Respondent has resigned from the service. She submits that the Respondent resigned from the service on 1st September 2025 as due to the multiple cases filed by the Petitioner, the Respondent is not in a position to concentrate on the work. It is the submission of the learned Counsel appearing for the Petitioner that said resignation is not genuine resignation and the said conduct of the Respondent is mala fide with an oblique purpose that the Petitioner and two children, out of which one child is a child with special needs, are deprived of maintenance and they also loose their shelter.

6. The factual position on record shows that the Respondent-Husband was getting handsome salary. The learned Judge of the Family Court has passed the impugned order by which the Interim Application seeking maintenance by the Petitioner-Wife for herself and children was rejected mainly on the ground that the Respondent is paying huge EMI of Rs.3,50,000/- per month for the

flat which is occupied by the Petitioner and two children. The Respondent after about 8 months of passing of the impugned order by the learned Judge of the Family Court, has stopped paying the EMI on the ground that he has resigned from the service. Thus, *prima facie* it is very clear that the Respondent has obtained order dated 26th December 2024 passed by the learned Judge, Family Court No.2, Mumbai in Interim Application No.106 of 2023 in Petition No.A-364 of 2022 by playing fraud on the Court by representing that he would continue to pay the said EMI of Rs.3,50,000/- per month.

7. Ms. Chandni Chawla, learned Counsel appearing for the Respondent, on instructions of the Respondent, who is personally present in Court submits that the Respondent is not in a position to pay the said EMI of Rs.3,50,000/- as the Respondent has resigned from the job on 1st September 2025. The position on record clearly shows that the impugned order dated 26th December 2024 has been passed on the assumption that the Petitioner is paying EMI of Rs.3,50,000/-. Thus, the important factor on the basis of which the learned Judge of the Family Court, Mumbai has passed the impugned order is no more in existence. Thus, it is necessary to set

aside the impugned order and remand back the matter to the learned Judge of the Family Court. However, before disposing of the Writ Petition, it is necessary to observe about the conduct of the Respondent-Husband.

8. *Prima facie*, I am satisfied that the order dated 26th December 2024 passed by the learned Judge, Family Court No.2, Mumbai in Interim Application No.106 of 2023 in Petition No.A-364 of 2022 has been obtained by the Respondent by playing fraud on the Court, as it has been represented to the learned Family Court that the Petitioner i.e. present Respondent is paying EMI of Rs.3,50,000/- and would continue to pay the same and thereafter after passing the impugned order after few months of payment of said EMI, the Respondent has stopped paying EMI, putting the Petitioner and children at the risk of becoming shelterless.

9. In view of the said conduct of the Respondent, it is necessary to consider various observations of the Supreme Court in the case of ***Kusha Duruka vs. State of Odisha*** and more particularly made in paragraph Nos.1 to 6, which reads as under:

“ Leave granted. This is another case in which an effort has been made to pollute the stream of administration of justice.

2. About three decades ago, this Court in Chandra Shashi v. Anil Kumar Verma [Chandra Shashi v. Anil Kumar Verma, (1995) 1 SCC 421 : 1995 SCC (Cri) 239] was faced with a situation where an attempt was made to deceive the Court and interfere with the administration of justice. The litigant was held to be guilty of contempt of court. It was a case in which the husband had filed fabricated document to oppose the prayer of his wife seeking transfer of matrimonial proceedings. Finding him guilty of contempt of court, he was sentenced to two weeks' imprisonment by this Court. This Court observed as under : (SCC pp. 423-24 & 427, paras 1-2 & 14)

“1. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned.

2. Anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice.

* * *

*14. The legal position thus is that if the publication be with intent to deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice. It would, in any case, tend to interfere with the same. **This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt.***

3. In K.D. Sharma v. SAIL [K.D. Sharma v. SAIL, (2008) 12 SCC 481] it was observed by this Court : (SCC p. 493, para 39)

*“39. If the primary object as highlighted in Kensington Income Tax Commrs is kept in mind, an applicant who does not come with candid facts and “clean breast” cannot hold a writ of the court with “soiled hands”. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. **In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court.**”*

(emphasis supplied)

4. In *Dalip Singh v. State of U.P.* [Dalip Singh v. State of U.P., (2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324], this Court noticed the progressive decline in the values of life and the conduct of the new creed of litigants, who are far away from truth. It was observed as under : (SCC pp. 116-17, paras 1-2)

“1. For many centuries Indian society cherished two basic values of life i.e. “satya” (truth) and “ahimsa” (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice

with tainted hands, is not entitled to any relief, interim or final.”

(emphasis supplied)

5. In *Moti Lal Songara v. Prem Prakash* [*Moti Lal Songara v. Prem Prakash*], this Court, considering the issue regarding concealment of facts before the Court, observed that “court is not a laboratory where children come to play”, and opined as under : (SCC p. 208, paras 19-20)

*“19. The second limb of the submission is whether in the obtaining factual matrix, the order passed by the High Court discharging the respondent-accused is justified in law. We have clearly stated that though the respondent was fully aware about the fact that charges had been framed against him by the learned trial Judge, yet he did not bring the same to the notice of the Revisional Court hearing the revision against the order taking cognizance. It is a clear case of suppression. It was within the special knowledge of the accused. **Anyone who takes recourse to method of suppression in a court of law, is, in actuality, playing fraud upon the court, and the maxim suppressio veri, expressio falsi i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted.** We are compelled to say so as there has been a calculated concealment of the fact before the Revisional Court. It can be stated with certitude that the respondent-accused tried to gain advantage by such factual suppression. The fraudulent intention is writ large. In fact, he has shown his courage of ignorance and tried to play possum.*

20. The High Court, as we have seen, applied the principle “when infrastructure collapses, the superstructure is bound to collapse”. However, as the order has been obtained by practising fraud and suppressing material fact before a court of law to gain advantage, the said order cannot be allowed to stand.”

(emphasis supplied)”

6. It was held in the judgments referred to above that one of the two cherished basic values by Indian society for centuries is “satya” (truth) and the same has been put under the carpet by the petitioner. Truth constituted an integral part of the justice-delivery system in the pre-Independence era, however, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, the values have gone down and now litigants can go to any extent to mislead the court. They have no respect for the truth. The principle has been evolved to meet the challenges posed by this new breed of litigants. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the court of law, is actually playing fraud with the court. The maxim *suppressio veri, expressio falsi* i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. It is nothing but degradation of moral values in the society, may be because of our education system. Now we are more happy to hear anything except truth; read

anything except truth; speak anything except truth and believe anything except truth. Someone rightly said that: "Lies are very sweet, while truth is bitter, that's why most people prefer telling lies."

(Emphasis added)

10. Thus, what has been held by the Supreme Court in ***Kusha Duruka*** (supra) that the stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned. It has been further held that anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice. All these observations *prima facie* applies to the conduct of the Petitioner.

11. Accordingly, the impugned order dated 26th December 2024 passed by the learned Judge, Family Court No.2, Mumbai in Interim Application No.106 of 2023 in Petition No.A-364 of 2022 is quashed and set aside and the said Interim Application No.106 of 2023 in Petition No.A-364 of 2022 is restored to the file of the learned Judge of the Family Court, Mumbai. Learned Judge of the Family Court, Mumbai after giving opportunity to both the parties to pass fresh order on Interim Application No.106 of 2023. In the facts and circumstances, the learned Judge of the Family Court is requested to dispose of said Interim Application No.106 of 2023 in Petition No.A-364 of 2022 on or before 30th April 2026.

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

13. It is clarified that the contentions of both the parties are expressly kept open. The learned Judge of the Family Court to decide the said Interim Application No.106 of 2023 without being influenced by the observations made in this order.

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[MADHAV J. JAMDAR, J.]