

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.106 OF 2025
WITH
INTERIM APPLICATION NO. 11876 OF 2025
IN
FAMILY COURT APPEAL NO.106 OF 2025

Pallavi Shailesh Kulkarni

...Appellant/
Applicant

Versus

Shailesh Vijay Kulkarni

...Respondent

Mr. Shrirang Katneshwarkar a/w. Mr. Harsh Rathod,
Advocate for the Appellant/Applicant.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.

DATED: 12th JUNE 2026.

PC:-

1. The present Appeal assails the order passed by the Family Court, Pune below Exhibit-108, whereby the petition for divorce filed by the Respondent-husband and the proceedings under the Protection of Women from Domestic Violence Act, 2005 ("D.V. Act", for short) at Exhibit-19 instituted by the present Appellant have been disposed of by a common judgment and order dated 30th May, 2025. Though notice has been duly served upon the Respondent, none appears on his behalf. The learned Advocate for the Appellant has invited our attention to the fact that the wife had filed proceedings under the D.V. Act seeking

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monetary relief in the pending Divorce proceedings instituted by the husband. It is further submitted that, during the pendency of the divorce proceedings, interim maintenance was granted in favour of the Appellant and her daughter. The learned advocate for the Appellant submits that although the minor daughter has been held entitled for the maintenance at Rs. 5,500/- per month for the interim maintenance granted under Section 24 of the Hindu Marriage Act, and the same order was continued while deciding the Divorce proceedings. The present Appellant has been held not entitled for any monetary relief while deciding the application Exhibit-19.

2. We have perused the orders passed by the learned Judge, Family Court, Pune, and find that the relief sought by the Appellant has been denied on the ground that she did not enter the witness box and, therefore, failed to prove her claim. Considering that the Appellant had claimed monetary relief for her maintenance under the D.V. Act, and has specifically contended that she has no independent source of income, it has been denied to her due her failure to adduce evidence.

3. While dealing with the application filed by the appellant as provided under Section 26 of the D.V. Act, the learned Judge of the Family Court, Pune observed that the Respondent husband was not entitled for any relief as his defence has been struck off. Similarly, the learned judge further observed that the Appellant wife had not entered the

witness box to prove the documents placed on record, and thereby depriving the Respondent husband an opportunity of his right of cross examine her. By not entering into the witness box, the Appellant wife has failed to establish her case. The learned Judge also noted that despite being granted sufficient opportunities to lead evidence, the appellant wife has failed to adduce legally admissible evidence in support of the reliefs claimed by her. Therefore, it is held that she is not entitled for relief, as prayed by her application under Section 26 of the D.V. Act.

4. In our view, the impugned order deserves reconsideration to subserve the ends of justice by granting one more opportunity to the Appellant to adduce evidence in support of her claim. Accordingly, the order to the extent of refusing monetary relief to the Appellant-wife under Exhibit-19 is quashed and set aside, and the matter is remanded back to the Family Court, Pune, for granting the Appellant-wife an opportunity to lead evidence. After granting opportunity to lead evidence to both the parties, the Judge, Family Court, Pune shall pass appropriate orders.

5. In terms of the aforesaid directions, the Appeal stands disposed of.

6. Interim Application also stands disposed of.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)