



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5646 OF 2025

Anup Sharadkumar Gupta, Aged 36 yrs, Occ: Service,
R/o Bansal Ginning & Pressing Pvt. Ltd. Compound,
Deulgaonraja Road, Shrikrushana Nagar, Post Jamwadi,
Jalna-431203.

PETITIONER

.....VERSUS.....

Radhika Anup Gupta, Aged 31 yrs, Occ: Business,
R/o Pachariwala House, Behind Maheshwari Bhavan,
Tekdi Road, Sitabuldi, Nagpur.

RESPONDENT

Ms A.P. Gupta, counsel for the petitioner.
Dr.Mrs. Renuka S. Sirpurkar, counsel for the respondent.

WITH
WRIT PETITION NO. 6272/2025

Radhika Anup Gupta, Aged 32 years, Occ: Housewife,
R/o Pachariwala Bhavan, Behind Maheshwari Bhavan,
Tekdi Road, Sitabuldi, Nagpur.

PETITIONER

.....VERSUS.....

Anup Sharadkumar Gupta, Aged 33 years, Occ: Business,
R/o Bansal Ginning & Pressing Pvt.Ltd. Compound,
Deulgaonraja Road, Shrikrushna Nagar, Post Jamwadi,
Jalna – 431203.

RESPONDENT

Dr.Mrs. Renuka S. Sirpurkar, counsel for the petitioner.
Ms A.P. Gupta, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : MARCH 24, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith and heard finally with
consent of the learned counsel for the parties.

2. By these petitions, the petitioners in respective petitions have challenged the order dated 25.07.2025 passed by the Family Court, Nagpur allowing an application under Section 24 of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955') and granting maintenance *pendente lite* of Rs.25,000/- per month to the wife (Petitioner in Writ Petition no.6272 of 2025). Since both the petitions raise challenge to the same order passed by the Family Court and since the respective counsels for the parties have advanced same arguments in both the petitions, these petitions are decided by this common judgment. Writ Petition no.5646 of 2025 is filed by the husband whereas Writ Petition no.6272 of 2025 is filed by the wife.

3. The husband has filed the petition for divorce on 26.10.2021 under Section 13(1)(ia) and (ib) of the Act of 1955 in which the wife has appeared and filed her written statement. The wife filed an application under Section 24 of the Act of 1955 on 08.02.2023 which was opposed by the husband and by order dated 25.07.2025, the Family Court, Nagpur has allowed the application granting maintenance *pendente lite* of Rs.25,000/- per month to the wife alongwith litigation expenses of Rs.10,000/-. The husband has challenged this order directing him to pay the maintenance *pendente lite* and the wife has challenged this order seeking enhanced amount of maintenance *pendente lite*.

4. Ms A.P. Gupta, learned counsel for the husband (petitioner in Writ Petition no.5646 of 2025) vehemently submitted that the impugned order is passed without considering the crucial aspect about suppression of facts

by the wife. She submitted that the wife has claimed exorbitant amount of Rs.1,00,000/- per month as maintenance *pendente lite* by falsely claiming that she is residing in a rented house. By inviting attention to the affidavit of assets and liabilities filed by the wife before the Family Court she submitted that the details of income and expenditure as stated therein are misleading, which disentitled the wife from claiming any maintenance *pendente lite*. She also submitted that the extracts of the bank account of the wife show that she has very sound financial condition and the claim for maintenance *pendente lite* of huge amount is to harass the husband. She submitted that the application for maintenance *pendente lite* was earlier allowed granting maintenance of Rs.10,000/- only, which was challenged by the wife vide Writ Petition no.1021 of 2024 and this Court remanded the matter and directed the Family Court to consider all the relevant aspects and the impugned order being passed without considering the financial status of the wife is unsustainable. On the basis of these submissions, she prayed for quashing of the impugned order and also opposed the petition filed by the wife seeking enhanced amount of maintenance *pendente lite*.

5. Per contra, Dr.Mrs. Renuka Sirpurkar, learned counsel for the wife (petitioner in Writ Petition no.6272 of 2025) vehemently submitted that the financial status of the husband as reflected from the statement of assets and liabilities established that the husband and his family have huge assets and very sound financial position. She submitted that the wife

is entitled for a life with the same standard of living as that of her husband and considering the solid financial position of the husband, grant of amount of Rs.25,000/- per month towards maintenance *pendente lite* is very meagre. By inviting attention to the order dated 12.12.2024 passed by this Court in Writ Petition no.1021 of 2024, she submitted that this Court had earlier remanded the matter for deciding the application for grant of maintenance *pendente lite* afresh by observing that the quantum of maintenance should be commensurate to the standard of living and status of the parties. In this background, the Family Court, Nagpur has considered all the relevant aspects and granted Rs.25,000/- per month towards maintenance *pendente lite*, which needs no interference at all. She submitted that the husband has infact attempted to mislead the Court by falsely claiming that he is getting a meagre salary of Rs.25,000/- per month and the contentions about resignation by him from the directorship of the company are for the purpose of avoiding the responsibility of maintaining his wife. She also submitted that the husband has failed to voluntarily pay any amount towards maintenance *pendente lite* despite the fact that the husband and wife are living separately since long. She therefore submitted that the wife is infact entitled for a higher amount towards maintenance *pendente lite* than what is granted considering the increase in prices of essential commodities and daily needs. On the basis of these arguments, she claimed for enhanced amount towards maintenance *pendente lite* and opposed the petition filed by the husband.

6. While considering the rival contentions, it has to be seen that both the parties have challenged the order passed by the Family Court, Nagpur granting maintenance *pendente lite*. The Family Court has passed the order after considering the affidavits of assets and liabilities filed by the husband and wife and the settled position of law in this regard. It is observed that the husband's resignation from the directorship and his employment on salary of Rs.25,000/- is unacceptable in view of the huge financial set up of his family. After considering all the relevant aspects, the Family Court, Nagpur has recorded its inferences about the standard of living of the husband and accordingly decided the quantum of the maintenance *pendente lite*. It has to be noted that these inferences are at the stage of deciding the application for grant of maintenance *pendente lite* when the evidence of parties is yet to be led.

7. There is nothing on record to show that the wife has any independent source of income. Although the husband has claimed that he has resigned from the post of Director of his family business and is earning only an amount of Rs.25,000/- per month, it appears that the husband has attempted to bring on record all these aspects to hide his income. There is no dispute that the husband is still residing with his family, which is owning huge business concerns and are in a very sound financial position. It thus appears that the husband has although filed on record certain documents to show his income to be Rs.25,000/- per month, however, on the basis of extract of one of the bank accounts of the husband, nothing

can be concluded about the true income of the husband. Undisputedly, wife is entitled for the same standard of living as that of her husband and by considering the financial status of the husband, the claim for grant of amount of Rs.1,00,000/- per month towards maintenance *pendente lite* was thus required to be given due consideration. It appears that although the parties have made several allegations against each other regarding their actual financial status, the inferences at the stage of granting interim maintenance are required to be drawn on the basis of material available before the Court. As such, while considering the contentions of both the parties with respect to their financial status, the direction to grant the amount of Rs.25,000/- towards maintenance *pendente lite* does not at all appears to be perverse and the inferences drawn by the Family Court appear to be based on sound reasoning and with due consideration of all the relevant aspects.

8. After giving anxious consideration to the contentions canvassed by the parties and on perusal of the documents on record, I am of the firm opinion that the view taken by the Family Court, Nagpur is a plausible view based on the material available before it, warranting no interference. Needless to state, the wife is entitled to seek enhanced amount of maintenance *pendente lite* by filing appropriate evidence in that regard. For the above mentioned reasons, no indulgence is warranted with the impugned order and both the writ petitions are accordingly dismissed with no order as to costs. Rule stands discharged.

However, considering the fact that both the spouses are of young age, it is desirable that the matrimonial litigation is decided at the earliest and therefore the Family Court, Nagpur is requested to expeditiously decided the divorce petition. Order accordingly.

(PRAFULLA S. KHUBALKAR, J.)

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