



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

CRIMINAL WRIT PETITION NO. 325 OF 2025

Mr Irfan s/o Haji Nasmee Salat (Husband),
aged about 40 years, Occ. Business, R/o
B-401, Ishita Paradise Apartment, Behind
Grand Imperial Hotel, VIP Street, VIP Road,
Raipur.

... PETITIONER

VERSUS

1. Mrs. Gulnaaz Salat w/o Irfan Salat (wife)
(Miss Gulnaaz d/o Hanif Bakali), aged about
39 years, Occ. Private Sector.
2. Master Mohammadali Salat (son), aged 10
years, (minor), through applicant no.1.(Mrs.
Gulnaaz Salat w/o Irfan Salat),
3. Miss Falisha Salat d/o Irfan Salat (daughter)
aged 8 years (Minor) through applicant no.1
(Mrs.Gulnaaz Salat w/o Irfan Salat)

All 1 to 3 R/o c/o JMC stones, Khwaja
Moinuddin Chisti, no. 75, Old Bagadganj
Layout, Gangabai Ghat Chowk, Nagpur.

... RESPONDENTS

Shri C.F. Bhagwani, Advocate for the petitioner.
Shri Aniruddha Jaltare, Advocate h/f Mrs Ketki Jaltare, Advocate

for respondent nos. 1 to 3.

CORAM: M.M. NERLIKAR, J.

DATE :20.04.2026.

ORAL JUDGMENT :

1. **RULE.** Rule made returnable forthwith.
2. Heard the learned Counsel appearing for the parties.
3. By way of the present petition, the petitioner husband is challenging the order of the Family Court Nagpur dated 05.10.2024 passed in petition No.E-229 of 2021 thereby awarding total interim maintenance of Rs.30,000/- to the respondent no.1 wife and two children i.e. Rs.10,000/- per month to each of the respondent. So far as the interim maintenance granted to the children is concerned, the petitioner husband is not pressing the present petition to that extent.
4. It is the principal submission of the petitioner husband that the respondent no.1 wife is well educated, an Architect and earning handsome amount. To substantiate the said, he relied upon the income tax return. Learned Counsel for the petitioner also submits that the wife has left the company of the petitioner husband on her own and living her life separately with two children which is evident from the proceedings at the Bharosa Cell wherein it is stated that respondent wife does not want to live with the petitioner husband. The respondent

no.1 wife is having independent source of income as she is an architect and also has invested huge amount in the share market. And therefore, the respondent/wife is not entitled for Rs.10,000/- per month as interim maintenance and prayed to quash and set aside the impugned order.

5. Learned Counsel for the petitioner husband has also relied upon the judgment of the Hon'ble Supreme Court in the case of *Bhushan Kumar Meen vs. Mansi Meen @ Harpreet Kaur (2010) 15 SCC 372*.

6. On the other hand, learned Counsel appearing for respondent nos.1 to 3 has vehemently opposed the petition by submitting that the Trial Court has considered all the relevant material on the record while arriving at a decision. Though the respondent/wife is an educated lady however at present she is not earning a single penny. The respondent wife is trying hard to get a job for which she has also given her resume on internet. The respondent wife has filed an affidavit of asset and liability, wherein she has stated that she is the wife of the petitioner having no source of income. Even in the affidavit of asset and liability filed by the husband, he did not show that the wife is working and earning, therefore, husband despite knowing all these facts, intentionally has not shown second part of his affidavit of asset

and liabilities. As the petitioner husband is having sufficient means, there is not perversity in the findings given by the Trial Court. And therefore, the petition is prayed to be dismissed.

7. I have considered the rival submissions and perused the record. Admittedly, the present petition is against the interim maintenance granted to the wife to the children of the petitioner. However the learned Counsel restrict his prayer only to the extent of granting interim maintenance amount to the wife. Perusal of the record shows that, though the respondent wife is an Architect, however there is nothing on record to show that she is earning. Also in the affidavit of asset and liability filed by the petitioner husband, he has not shown any source of income of the respondent wife. It is further to be noted that on the proceedings either before the Bharosa Cell or the Police Officials, at present this Court cannot comment anything, in view of the limited scope of the proceedings to grant interim maintenance. It is only after full-fledged trial, a proper findings can be arrived at.

8. Hon'ble Supreme Court in the case of *Bhushan Kumar Meen vs. Mansi Meen @ Harpreet Kaur (supra)*, has observed in paragraph 9, which reads as under :

“9. Having heard learned Counsel for the respective parties, and considering the reality of the situation to the effect that the appellant is receiving a sum of about

Rs.9000/- in hand after deduction of various amounts, including the instalments towards repayment of the home loan, we are of the view that the amount as awarded by way of interim maintenance is on the high side. At the same time, we cannot also shut our eyes to the fact that at present the respondent-wife is not employed or at least there is nothing on record to indicate she is employed in any gainful work. However, having regard to the qualifications that she possesses, there is no reason why she ought not to be in a position to also maintain herself in the future. ”

9. After giving thoughtful consideration to the submission and observations of the Hon'ble Supreme Court in the aforesaid case, each case has to be decided on its own merits. The fact that emerges from the record is that the affidavit of asset and liability of the wife goes to show that she is not having any source of income. Though she is an educated lady, an architect, she cannot sit idle and it is expected that she should work for her livelihood. However, the fact remains that at present the wife has no source of income and she is actively looking for a job. This is evident from the fact that she has uploaded her resume on the internet under the head of job titles. The petitioner husband has failed to show that the respondent wife is earning and it seems that the petitioner husband is in sound position, which could be gathered from the observations of the Trial Court. The Trial Court has considered the fact that there are several accounts of the petitioner husband having transactions in lakhs of rupees. The interim

maintenance granted to the respondent wife, in my opinion, is not exorbitant. In such circumstances, I do not find the order of the Trial Court is perverse or erroneous. Hence, the petition lacks merits and therefore, the petition stands dismissed.

10 The Petition stands disposed of accordingly. Rule stands discharged.

(M.M. NERLIKAR, J.)

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