



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

**CRIMINAL WRIT PETITION NO. 99 OF 2026**

Shri Basit S/o Niyaz Ali Haidari

-- VERSUS --

Smt. Safiyanaz D/o Dr. Umar Khan

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Ms. Kirti Satpute, Advocate for the Petitioner.

Ms. Safiyanaz Umar Khan, Respondent in person.

**CORAM : M.M. NERLIKAR, J.**

**DATE : MARCH 18, 2026.**

Heard.

2. The petitioner is the husband, who has challenged the order dated 10/06/2025, passed by the learned Family Court No.4, Nagpur, wherein the petitioner was directed to pay interim monthly maintenance of Rs.15,000/- per month to the wife from the date of application, i.e., 19/01/2022 till final disposal of the main petition.

3. The learned counsel for the petitioner vehemently submits that the petitioner has not been given an opportunity to defend himself and, therefore, without hearing the petitioner, the order was passed. She further submits that, on the day when the order was passed, she moved an application for adjournment, however, that application was

rejected and Court proceeded to pass the order and, therefore, according to her, the principles of natural justice have not been followed. She further submits that, she may be given an opportunity to produce on record the affidavit of assets and liabilities, as the petitioner had failed to produce the same on record. She further requested she be permitted to place on record, in these proceedings, additional documents through a rejoinder, however, this Court declined the said request. She further submits that the order granting maintenance of Rs.15,000/- is exorbitant and without any basis and, therefore, the order is bad in law.

4. On the other hand, the respondent appearing in person vehemently opposes the application and submits that since the filing of the application under Section 125 of the Code of Criminal Procedure, 1973, the petitioner has not paid a single penny, though the order was passed on 10/06/2025. She further submits that she is a cancer survivor and is unable to meet her medical expenses. The petitioner is an Advocate and earning handsome amount. She further submits that there are several reported judgments of the Bombay High Court, Bench at Nagpur, in which the petitioner - husband has appeared. She submits that, the Court has rightly observed that an adverse inference has to be drawn

in view of the fact that the petitioner has neither placed on record the affidavit of assets and liabilities, nor placed his three years' bank statements and, therefore, according to her, there is no perversity in the impugned order. In fact, she submits that she has claimed Rs.40,000/- per month as interim maintenance, however, the Court has granted only Rs.15,000/-. She further submits that even in domestic violence proceedings, she was granted interim maintenance of only Rs.5,000/- and, therefore, in this costly world, it is very difficult to survive on total Rs.20,000/-. She further submits that whatever has been granted by the trial Court, the respondent has failed to comply with the same and, therefore, no relief be granted. Therefore, she submits that the petition is devoid of merits and same be dismissed. The respondent-wife has invited my attention to the *roznama*, to show that the counsel for the respondent / present petitioner was present.

5. I have considered the rival submissions. It appears that, the application for interim maintenance was filed on 19/01/2022 and the said application was decided on 10/06/2025 by granting Rs.15,000/- per month from the date of application. The very object of interim maintenance was frustrated due to the fact that for three years the application could not be decided due to non co-

operation by the present petitioner. Ultimately it was decided on 10/06/2025, therefore, the very object of granting interim maintenance has not only been frustrated, but also I would not be hesitant in observing that this is nothing but an abuse of process of law. The fact that the petitioner is an Advocate cannot be lost sight of, and he has taken undue advantage of his profession by dragging the proceedings for three years. Ultimately after three years, the application was decided by granting Rs.15,000/-. It further appears that total arrears are Rs.7,50,000/- and out of that not a single penny is deposited by the petitioner. When this Court has asked the counsel, whether petitioner is ready to deposit 50% of arrears amount, counsel for petitioner flatly refused to deposit the amount by saying that the petitioner has already deposited Rs.90,000/- in the domestic violence proceedings. The counsel for petitioner further submits that at the most she is ready to deposit Rs.1,00,000/-. It is further to be noted that the respondent-wife was required to file the execution proceedings in both the cases, in the present proceedings as well as in the domestic violence proceedings, and only after that the petitioner deposited Rs.90,000/- in the execution proceedings of domestic violence. When already there is so much delay and time has lapsed in deciding the interim application, I decline to accept

the proposition of the counsel for the petitioner that she is ready to deposit Rs.1,00,000/-, when the arrears are of Rs.7,50,000/-. Therefore, the conduct of the petitioner does not appear to be that he is a law abiding citizen, though the petitioner is a legal practitioner. Therefore, non-payment of arrears is a willful act.

6. Apart from this, so far as the merits of the present petition is concerned, admittedly, it appears that, the maintenance of Rs.15,000/- was granted from the date of application. As was submitted by the learned counsel for the petitioner that she was not heard before passing of the order cannot be accepted, for the simple reason that, in Paragraph No.4 of the impugned order, the Court has specifically observed that both counsel were heard at length and, therefore, a cavalier attempt was made to show the Court has not followed the principles of natural justice. Further, it is to be noted from the *roznama* that respondent-husband was present so also counsel for husband was also present. It is further to be noted that so far as grant of interim maintenance is concerned, it could be gathered that in three years, the petitioner has failed to produce the affidavit of assets and liabilities, nor he has produced his source of income, rather the bank statements and, therefore, the trial Court was constrained to pass the

order by observing that *“adverse inference has to be drawn and prima-facie it is proved that respondent has sufficient means to maintain the petitioner.”*

After perusal of the entire order, I do not find any perversity in the order and, therefore, the Criminal Writ Petition is **rejected**.

[ M.M. NERLIKAR, J ]

PIYUSH MAHAJAN