



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.182 OF 2026

Sau. Purva Abhijit Wankhade

..vs..

Dr. Abhijit Ashok Wankhede

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

Court's or Judge's orders

Shri M.V. Rai, Advocate for the petitioner.

CORAM: M.M. NERLIKAR, J.

DATE : 11.03.2026.

Heard the learned Counsel for the petitioner.

2. The petitioner, who is the wife of respondent has filed interim maintenance application under the provisions of the Protection of Woman from Domestic Violence Act, 2005, which came to be allowed by the Judicial Magistrate First Class, Court No.6, Akola vide order dated 14.03.2024 thereby granting interim maintenance of Rs.15,000/- per month from the date of filing of the application till the final order is passed in the proceedings. The said order was challenged by the husband by filing Misc. Criminal Appeal No.105/2024 before the District and Sessions Judge, Akola, which came to be allowed vide order dated 04.08.2024 and the order of interim maintenance was quashed and set aside, which is impugned in the present petition by the petitioner wife.

3. Learned Counsel for the petitioner submits that the petitioner at the time when the DV proceedings were initiated was doing a job as a Medical Officer and was

getting Rs.40,000/- salary per month, however the said job was temporary as the same was for 11 months. Therefore, at present the petitioner wife is jobless. The respondent husband is a Doctor earning Rs.1,25,000/- per month and therefore, since the petitioner is not earning at present, she is entitled for interim maintenance.

4. I have considered the submission made by the petitioner. It appears that the application for interim maintenance was filed on 29.01.2024. Thereafter, the evidence was led by filing of an affidavit wherein she stated that she is living at the mercy of her parents and she has no source of income. On that basis, the Trial Court has granted Rs.15,000/- per month as interim maintenance. However, in appeal, the husband brought on record the fact that at the relevant time during the pendency of interim maintenance application, the wife was serving as a Medical Officer. She was appointed for a period from 01.01.2024 to 30.12.2024. Admittedly, the petitioner had suppressed this fact before the concerned Court. It is the cardinal principle of law that a person who knocks the door of Court of law should come with clean hands. Suppression of material fact, disentitles the petitioner from claiming interim maintenance. As was argued by the learned Counsel that the petitioner would be entitled for maintenance even if it is presumed that she is earning Rs.40,000/- in order to live a comparable life as of husband as the husband is a doctor by profession and earning Rs.1,25,000/-.

5. No doubt, every wife is entitled to live her life

with dignity and in equal standard with the husband, however when there is material suppression on the part of the wife, in that circumstances, the wife is not entitled to claim maintenance. The petitioner wife served as a Medical Officer for 11 months and even thereafter she is not doing anything is unacceptable. No doctor would sit idle, therefore, *prima facie* it is apparent that contention of the petitioner wife that she is jobless and dependent on her parents appears to be undigestable. It is not proper to comment further on the merits of the matter as the main proceeding is pending before the Trial Court. Even the Appellate Court has observed in the impugned order as under :

“20] The basic needs of the respondent, her entitlement to receive maintenance in view of the allegations made by her and standard of living of the parties as per their status, can be decided only after the entire evidence. As such, as the orders of the interim maintenance were passed by the learned Trial Court in absence of true facts about the employment of respondent on record. The said order is required to be set aside. The amount already paid by the appellant to the respondent be considered at the time of final decision of the case. The observations made in this order are not binding and will not influence the merits of the case or its final decision. In view, the point No.1 is answered in the affirmative.”

6. In this view of the matter, I do not find any perversity in the impugned order passed by the Appellate Court and accordingly, the petition stands dismissed.

(M.M. NERLIKAR, J.)