

MHFC060002982025



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IN THE COURT OF FAMILY JUDGE, RAIGAD-ALIBAG

(Presided over by Amruta A. Shinde)

Petition-E No. 40/2025

Exh. No. 109/A

.... Petitioner

Vs.

.... Respondent

**Petition – u/s. 144 of the Bhartiya Nagarik
Suraksha Sanhita, 2023**

.....
Learned advocate for the Applicant – Shri. Deepak Natu
Learned advocate for the Respondent – Shri. Shrivishnu Shashidharan
.....

JUDGMENT

(Delivered on – 29.04.2026)

This petition is filed for the maintenance u/s. 144 of the Bhartiya Nagarik Suraksha Sanhita, 2023.

Brief facts of the petition are as follows,

2. The marriage between the petitioner and the respondent was solemnized on 25.11.2020 at Shri Brahmin Swarnkal Nyati Bhavan, Sunaronka Bass, Jodhpur as per Hindu religion and rites. There is no offspring out of the said wedlock,.

3. It is the contention of the petitioner that she decided to get marry to live happy married life and married with the respondent. But, the respondent never realized the real spirit of marital love and he without any cause suddenly developed an idiopathic and psychic

behavior. He used to argue with the petitioner in filthy language to which the respondent's mother and other family members also joined. The petitioner had led her life along with the parents and brother and sister like a middle class family. The mother of the petitioner started to look after the family after the death of the father of the petitioner with the help of her maternal relatives. The petitioner as per the advice of her mother decided to get marry to open a new chapter of her life. But the respondent has miserably failed to keep the promises entered at the time of marriage. The respondent regularly harassed, mentally and physically tortured, economically forced her to trap in a position of bankruptcy and violation of fundamental principles of marriage.

4. As per the petitioner, she started living with her cousin namely Mr. Mahaveer Soni at Boriwali (W.) and thereafter she decided to live at Row house no. C-01, C wing, Gargvarad Co.Op.Hsg. Society, S.No. 113, House No. 01 & 02, Ramnath Road, Alibag. Accordingly, she executed a Paying Guest agreement on a stamp paper of Rs. 100/- embossing no. 57AA558434 dated 18.07.2023 with Mr. Mahaveer Soni for two years.

5. The petitioner came to know that the respondent is a professional Chartered Accountant having its office and also a partner in another Chartered Accountant Firm situated at Jodhpur namely M/s. Jams and Associates. The petitioner also came to know that the father of the respondent namely Mr. Ugamchand S/o. Fatehchand Soni is known figure in Soni community at Jodhpur and having influence on entire Soni community. In the Soni community, whenever there is possibility of marriage, normally they post their bio-data in a marriage bureau namely 'Shri Brahmin Swarnkar Rishte' and accordingly the petitioner's family

came to know about an advertisement in the said marriage bureau. The petitioner took xerox copy and the proposal also circulated among the family members as well as respondent's friends and relatives. Accordingly it came to know that the respondent is interested to get marry and thereof they had forwarded proposal to mother of the petitioner and their nearest relatives. The respondent, on 02.02.2020 suddenly visited the house of the petitioner with intention to finally engage with her by hook or crook. The marriage proposal was accepted looking towards the respondent's financial and social status in Jodhpur.

6. Accordingly, the venue of the marriage, the way it is to be performed, as to how marriage expenses shall be born and what manner the marriage is to be performed was decided. The respondent was aware about the strict restrictions on gathering of the people due to SOP of Covid-19. Therefore, it was decided that the marriage ceremony would be limited. It was further decided that the entire marriage expenses shall be borne by her mother and relatives. Accordingly, the marriage was performed as per Hindu rites and local customs of Rajasthani Soni community. The discussion took place during the process of marriage with the parents and brother of the petitioner and in the presence of the respondent as well as with the mother and other relatives. It was agreed that 18 gifts would be given to the respondent including gold and silver ornaments, clothes and cash total amounting to Rs. 27,56,177/- (In words Rupees Twenty seven lakh fifty six thousand one hundred and seventy seven only). The detailed list of the gift ornaments and the photographs of the same have been filed on the record. The respondent before the marriage had told the petitioner that he is having a flat at Jodhpur and both are going to reside there and sometimes he is going to visit the house where his parents and other family members were

residing. But, he never kept his promise. The parents of the respondent, brothers and their wives started treating the petitioner as paid servant by telling her to do household work such as cleaning the bungalow.

7. The respondent was also directing her to clean the entire bungalow at least eight times in a day and to do cooking, washing the clothes, ironing clothes of all family members and she was treated as bonded labor. The family of the respondent was having five children and the petitioner was also directed to look after them on daily basis. The mother-in-law, brother-in-laws and their wives used to taunt the petitioner saying 'you cannot work properly, you are physically unfit to work in our family, it can be seen that your mother has failed to give you proper sanskar (संस्कार) as to how one has to work at her husband's house, you idiot, nonsense and useless girl'. The respondent was also visiting the house once in a week i.e. on Saturday night and Sunday and returning back to Jodhpur office. The petitioner used to inform the respondent about bad behavior and taunts by family members of the respondent but, he used to ignore it and used to fight. The petitioner is also having audio recording to that effect.

8. It is further contention of the petitioner that, on the first wedding night, the bed in the room was decorated with flowers and sweets and two betel nut used including a full glass of milk with dry fruits was kept on the right side of the bed. The respondent entered in the room and bolted and came near to the petitioner. He ate one of betel nut leaves and asked the applicant to eat it. The petitioner on asking the reason came to know a knocking on the door. The respondent opened the door and at that time the wives of brothers of the respondent namely Raksha and Pramila came in the room. They asked the respondent to

vacate the room. At that time, the respondent left the room and Raksha told the petitioner to eat betel nut leaf coated with silver foil and Pramila forcibly asked the petitioner to eat betel nut leaf. The petitioner, being new in the family was shying. Thereafter, the respondent entered in the room and both Raksha and Pramila left the room and the respondent bolted the room from inside. The test of betel nut leaf was not proper. Therefore, she spit the same into the dustbin at left side of the bed and as she was in traditional ghunghat, the respondent was not in a position to know whether she has consumed it or not. The respondent lifted her ghunghat and asked whether she consumed betel nut leaf to which she was furious and asked him as to what it was containing. The respondent replied that it was containing various jadibuti to transport her sexual behavior into wild sex which is shown in XXX movies.

9. The petitioner being educated and raised in strict Rajasthani culture was not aware about this fact. Therefore, the respondent took up his cell phone and opened a XXX website namely www.youporn.com and shown to the applicant a pornographic clip as to how the wild sex has to be done. The petitioner was shocked and surprised. But, she kept quiet as it was their first wedding night. He switched of the light and came close to her and asked her to co-operate to have sex between them. The respondent also told her that at the first instance itself she should get pregnant and deliver a baby boy. The petitioner insisted that she is not aware of this kind of activities and requested him to use a condom but the respondent got angry and somehow had sex with her while using condom. The respondent told her that being the first wedding night he was going to use condom but on the other occasion he is not interested to do so and rather he was interested to force the petitioner to become pregnant as soon as possible.

10. The respondent was having a lethargic attitude and he never care about her basic needs. The house of the respondent was situated at a very lonely place and the market place was at great distance. Whenever the petitioner was requesting him to bring necessary household stuff and articles he used to deny and express dissatisfaction. The petitioner raised an objection that 'you pay money to everyone, you do not give the money to me and asked that if your child will be borne after, then who will pay for it'. The respondent replied that he would not give the money, he would never even give birth to a child, if she will be pregnant by mistake or any chance then she will also feel regret having the baby'.

11. The respondent whenever used to visit his house at village Merta on Saturday night from Jodhpur, he was always having a new plan to fight with her on petty issues. The petitioner sometimes used to inform him about the works and taunts made by the family members, at that time the respondent was throwing small articles in anger towards the petitioner due to which she received injury on her person. He was also having habit to throw his phone on the person of the petitioner and she is also having audio recording to that effect. The other family members used to enjoy the situation and they never forced the respondent not to act like this with her. They even abused her in Rajasthani language 'नीच रांड री, बिगडियोडी, कुमानस कटी री ! थाने बिना बाप रो हमजी हेती पर थू रांड मैने सिखावे ! कमीन कटीरि तु माने जाने कोनी हे मै थारी जिंदगी नरक कर दुला! बिगडिये री कटेरी डाकण कटीरी थारे खाजो गणी हाले है'. When this incident was narrated to the mother at that time she requested the respondent not to behave like this. The parents of the respondent and the respondent told the petitioner that one month is already completed on 25.12.2020 and requested the respondent to take her at his flat at Jodhpur. But, the

respondent first denied and later somehow took her to Jodhpur for a day on 26.12.2020. The petitioner is having audio recording to the effect that the respondent had confessed about his habits to the *hukkah* and drinking habits.

12. The respondent and his friend namely Arjun Parihar used to smoke *hukkah* and drink simultaneously in front of her and she is also having audio recording to that effect. At that time at about 6.30 p.m., both were only persons in the flat. The respondent suddenly came near to the petitioner and forced her to do sex with him. As she was not in that state of mind she requested him not to force her. The respondent on listening this became angry and slapped her twice, banged her head on the wall and tried to again beat her on the ground. He also took bite on her hand, shoulder, right side of the breast, thigh like a wild dog. The petitioner and the respondent were there for two days. However, he failed to maintain proper relations with her.

13. The respondent somewhere left to his work and at that time she was having a mobile phone and started calling the parents of the respondent about the behavioral approach of the respondent. The respondent came to know about the said fact and he again twice slapped her, snatched her mobile phone and forcibly brought her in the room by grabbing her hands and literally thrown her on the bed. He again assaulted her and at that time she was shocked and surprised about behavioral approach of the respondent. The adjacent residents of the flat were watching this incident. The respondent further hurled filthy abuse in the Rajasthani language 'नीच रांड री, बिगडियोडी, कुमानस कटी री ! थाने बिना बाप रो हमजी हेती पर थू रांड मैने सिखावे ! कमीन कटीरि तु माने जाने कोनी हे मै थारी जिंदगी नरक कर दुला! बिगडिये री कटेरी डाकण कटीरी थारे खाजो गणी हाले है'. The respondent further

called to the mother and brother by using cell phone no. +919887777366 and another no. +916350597100 and called them on the flat and abused them by leveling false allegations and gave mental agony to the petitioner. The approach of the respondent was like he was forced to the marriage and he was having habit to get a new girl and fulfill his lust. This attitude of the respondent was witnessed by the petitioner in a heated argument when the respondent admitted that he is selfish person who would neither think or do or anything do for his wife for the happiness because he is a selfish person'. On hearing this dialogue the petitioner said 'after the marriage, the happiness of relationship of the marriage lies with happiness of the husband'. The petitioner is having audio recording to that effect.

14. The petitioner obtained her Advocate *Sanad* in the year 2016 and started practicing in the year 2021. She was intending to transfer her *Sanad* from the Bar Council of Maharashtra and Goa to Bar Council of Rajasthan. But the respondent flatly refused and threatened her not to transfer the *Sanad* and prevented from practicing as an Advocate from Rajasthan. He also threatened that if she goes to Mumbai for practicing then he is not going to accept her as legally wedded wife and will leave her forever. The petitioner is having audio recording to that effect. It was agreed at the time of fixing the marriage proposal talks in front of mother, brother and other relatives including the respondent and his family members and they had agreed to provide all sort of monitory and other benefits to the petitioner. But, the respondent did not keep his promise and on the contrary he threatened her even when she asked him about the promises he made before the marriage. The petitioner is having audio recording to that effect.

15. The petitioner further contended that there was an invitation card of the marriage of her cousin who had sent to the respondent and was also called by them to attend the same. The petitioner requested the respondent to allow her to attend the said marriage function. But, the respondent refused to allow her to attend the same. Hence, she reported the incident to the mother on which the mother made a phone call to the respondent and requested him to allow the petitioner to attend the marriage. Hence, somehow the respondent allowed her to attend the marriage along with him. The petitioner requested him to give money to purchase a gift item to which the respondent refused. Hence, she was forced to request the mother to provide her some financial assistance. Both returned back to their native village after marriage ceremony and the petitioner requested him to start living at Jodhpur flat to which the respondent agreed.

16. The respondent had went outside for doing some work and the petitioner visited the flat. She was searching utensils for preparation of food and at that time she found a bag kept in a *almirah* containing six liquor bottles of high quality and instruments of *hukkah* and other stuffs. The petitioner raised objection when the respondent returned as the said items are intoxicated and harmful for health. The respondent failed to listen and on the contrary threw a party in the flat at night along with friends toasted a liquor party including *hukkah* stuff. The respondent asked her to prepare small items for eating known as chakhna and when the petitioner tried to serve the same, the respondent forcibly asked her to snuff the *hukkah* and to drink liquor to which the petitioner refused. The respondent was under the intoxication of the liquor and tried to hug her and suddenly bite in severe manner on the right side of the breast. Therefore, she was injured. Both were alone in the night and at that time

he told her to consume a pill namely Viagra 100 mg. film coated tablet sildenafil by pizer for an amount of Rs. 900/- only. The petitioner also came to know that the respondent is in habit to consume homeopathic pills as told by the respondent as he was having a problem of PMJ i.e. premature ejaculation. The respondent was ordering homeopathic treatment kit either by online method or purchasing from medical store. The colored photographs of it and medical certificate dated 23.02.2021 issued by Dr. R.M.Khan in respect of physical assault and injury sustained by the petitioner is filed on record. The respondent forcibly asked her to consume purple pill for male and female libido enhancement and thereafter, perform sex with her in wild manner. But, as he was suffering from PMJ, he was discharged in some seconds. The respondent was mentally and physically harassing the petitioner and the said fact was admitted by him in front of his friend Mr. Arjun Parihar who is living adjacent to his flat at Jodhpur. Mr. Arjun Parihar is also having habit of drinking and having *hukkah* and both used to do the same as habitual drunker. The petitioner is having audio recording to that effect.

17. The mother and brother of the petitioner met with an accident on 25.01.2021, due to which the mother suffered serious injury and brother also suffered internal injury. On knowing the said fact, the petitioner requested him to go at Jodhpur to see them and take care. However, the respondent flatly refused and said it is not necessary to go there. Hence, she requested to her in-laws to direct the respondent to grant permission to see her mother and brother at Jodhpur. The petitioner requested the respondent to drop her to her mother and brother's house and at that time, he said 'I am not your dog and will keep you on picking you and dropping you at your mother's place. Do not expect any support from me as well as from my family members. Your

mother, brother, sister are useless and nonsense persons I ever met in my life. All the way they are bothering me and unnecessarily forcing me to serve you as your servant.’ The petitioner is having audio recording to that effect. The respondent was aware of the fact that her father is no more and the entire livelihood of her mother, brother and sister was only depending upon her mother’s side family members. Therefore, she was not having any option but, to help her out whenever they are in trouble.

18. The petitioner was suffering mental harassment and he was threatening her and never properly treated her as legally wedded wife. The distance of the respondent’s office and house of the mother was not far but still he never allowed her to visit the respondent’s Jodhpur flat and forced her to stay at village Merta and the respondent was used to go to his Jodhpur flat and attending the office on daily basis. The petitioner requested him to allow her to visit Jodhpur flat on which he became furious and threatened her that he is not going to accompany her to Jodhpur and said that, “don’t force me to take you at our Jodhpur flat, I am not your servant, if you are raising the same demand again and again, I am going to send back you at Mumbai at your maternal uncle’s house and I will not hesitate to give you divorce as I am not interested in you, you are not going to listen to the UFS, the KUS, the DUS, the VUS, the RVS and the PDS, (parents, two brothers and two sister-in-laws referred in short) therefore if am going to throw you out from my family, all my family members are going to support me, to that effect if the family members are forcing me to support you then I shall break my relations with them and teach a lesson to them so that they shall be out of my house”. The petitioner is having audio recording to that effect.

19. Whenever the petitioner was calling the respondent on his cell phone, he used to scold her and due to which she was shocked and surprised as to how the respondent will treat her having knowledge that he is just married. There was birthday of sister of the petitioner at about 10.30 a.m. on 28.02.2022 and the petitioner requested the respondent to give Rs. 2,000/- to 3,000/- (In words Rupees Two to Three thousand only) to give gifts to her which was flatly refused by him and told her that “I am not going to spend money on your family members unnecessarily because they are like beggars and in front of my family your relatives have no status. They always used to ask some gifts on every and other occasion. I am not going to spend money on this nonsense occasion and why should I bear unnecessarily expenses for this”. The petitioner was shocked and surprised and having audio recording to that effect.

20. The petitioner asked him that he is having habit to give money to others and not to her. Therefore, on 01.03.2022 at 10.00 a.m., the petitioner asked specific question to the respondent that ‘if we will have kid in future who is going to bear expenses for upgrading our kid ?’ To which the respondent replied that ‘I have not married with you to give the birth to the child or children as I am never going to allow you to become pregnant. I have married with you just to satisfy my sexual satisfaction because you are so beautiful and hot. I just want to explore you physically and I am not going to allow you to become the mother of my child because you are not capable to produce my kid future and by any chance if you become pregnant, it will become a sad day of affair in my life and I will never accept the kid because it is not as per my wish’. The petitioner was shocked and surprised and it was daily routine of the respondent to taunt and traumatize her. He was always threatening her

and there was no single day left without forcing her to cry and used abusive words to her. The petitioner is having audio recording to that effect.

21. The respondent was having an illicit relationship with a girl working in his office with whom he was talking by using WhatsApp. The petitioner whenever asked to clarify about the girl, he used to shout and under the heat of anger used to throw utensils and cell phone on her person. The respondent also told her that for the satisfaction of his parents he got married with her and he did not require any life partner in his life as a wife. He was defining the word wife as w means worry, i means indefinite, f means frustrated and e means elimination. The respondent was hurling abuse to her by saying to get rid of him as his life has become miserable and he cannot do anything as per wish and he is going to throw her out from his life. He was also saying that he will bring the things, essential food and stuff for all members of the house but will not bring anything for her. It was become a regular habit to hurl abuses, to slap the petitioner unnecessarily, to bang her head on the wall, sometimes the respondent also used to bite on her neck or back or on her breasts, some of the time the respondent also used to punch the applicant in stomach. The respondent never kept his promises to help her to build her carrier as agreed to the family members of the respondent before the marriage. On the contrary, the behavior of the respondent was totally inhuman as if she is a slave and treated without dignity.

22. On one occasion, a meeting was called in a room which was locked from inside and in the meeting the respondent, the petitioner and sisters-in-laws namely Raksha and Pramila were present. At that time, the respondent said that, 'you used to get both of your sisters-in-laws to

act like maids for satisfying your daily needs, they are completely under my command and control and they have to listen what I am going to order them and they have to act like slaves even though if I direct them to cook food for you at 12 o'clock'. The petitioner is having audio recording to that effect. The parents of the respondent took her to the place of the respondent's aunt's village namely Baiwar, Rajasthan and in the marriage ceremony the respondent humiliated her by saying that, 'see my wife Gayatri who belongs to a poor family who had failed to give a dowry to me and had also failed to gift gold jewellery, silver, cash, sweets, utensils and other costly items, the family members of Gayatri are nothing but they are a very low class persons who does not have money and thinking that they were going to marry to their daughter in a princely state and a famous khandaan at Rajasthan'. The petitioner suffered mental agony and shock. The respondent used to tell her that she is not as per his choice and he is a selfish person and is not going to do anything good for her. He was not answering her phone calls and used to tell her that he is busy in the office and like her he is not a person who does not work. The said dialogue is recorded by her.

23. The respondent was visiting at village Merta on every Sunday and Saturday and he was always abusing and assaulting her. He was even used to tell her to go and end her life so that he will get rid of her. The respondent, in a family meeting told her that he is going to trap her by alleging several allegations and threatened that if the business of his father go in the loss then, she will be responsible for that. He also threatened her that in spite of false allegations leveled by him on the petitioner, she will not be in a position to do anything against them because she does not have guts to do so. He also threatened the petitioner by saying that, 'are you going to take my class ? What is your

level, you have no authority to ask any questions to me. If you are going to behave like this I am going to peel your skin.' He also threatened the sisters-in-laws saying that you take your sister along with you and stick to you. Take her to Mumbai at your house where she used to live before marriage and I do not like this girl as my wife.' The said conversation took place in Hindi of which the petitioner is having recording.

24. The petitioner whenever requesting the respondent to bring required daily goods, he was threatening her saying that, he is not going to bring anything as per her wish and he will bring essential food and stuff for all the members of the house but, he is not going to bring anything personally for the petitioner because he is not her servant. The respondent was mentally and physically torturing her and always refusing her to take her to Jodhpur even for two days. There was a function organized on 07.03.2021 at about 9.30 a.m. in respect of ceremony of honor of Association of Soni Community wherein the father of the respondent was nominated as Chairman of Soni Society. On that day, there was get together organized in the honor of Mrs. Shweta Soni who was elected as representative. The respondent was present there as a Chairman. The respondent humiliated her in front of all the members of the society by taunting a remark on her family members as she belongs to a poor family and does not have father and they failed to give proper dowry during the marriage. He was also taunting her that she is a High Court Advocate. The sister-in-law Mrs. Raksha was saying that if the petitioner is a High Court Advocate, they are not bothered about it and it will not affect to them even it is a criminal case if the petitioner takes any action or steps against the family. The respondent was also threatening that he enjoy company of local gundas and gangsters from last ten years and therefore, he is not afraid about any police action and advocates, no

matters he may engage them from prosecuting the petitioner and her relatives. The petitioner is having audio recording of the same. Due to the said behavior, the petitioner was in shock and surprised and was crying to continuously for period of 13 hours. The respondent also threatened her that he is not going to stay with her even for a single day as he has decided to live at Jodhpur at his flat. He was threatening her that he is in connection with local mafiya community namely 'Banna' to whom he will engage as a contract killer to kill the petitioner in such a way that it will look like a road accident.

25. The respondent started living separately at Jodhpur and was working there. He never allowed the petitioner to stay at Jodhpur even after the marriage for a period of three months. He was categorically telling her to live at village Merta and he will not take her at Jodhpur. He was threatening her to give divorce if she force him to take her at Jodhpur. The petitioner is having audio recording of the same. The said threat was reiterated by parents, brothers-in-laws and sisters-in-laws of the respondent.

26. As per the petitioner, the respondent and his family members had not cordial relations with her and she was deprived of essential, petty things such as inner-ware and pads required during the periods. The respondent used to tell her that he do not have money for such nonsense things and to use old sarees or dresses as pad during the periods. The petitioner had faced infections due to the said things. The family members of the respondent and the respondent used to ask her to sit in a room for seven days prohibiting her to roam in entire house as if she is accused arrested u/s. 167 of the Cr.PC.. The respondent always blamed her that he had deposited an amount of Rs. 35,000/- in her

account. The father of the respondent blamed her on behalf of the respondent that he had deposited an amount of Rs. 35,000/- in her account. The said amount was never deposited in her account and there is no documentary evidence in that respect. She is having audio recording of the same. The respondent never accepted her responsibility as well as her mother-in-law also forced her to work 24 x 7 days in kitchen like laborer and was never looked after whether she is hungry or not. She was not provided proper food and therefore, she started losing her physical and mental fitness and fell ill.

27. The petitioner was alone at her residence on 08.01.2021 at about 12.30 a.m.. Her sister-in-laws namely Mrs. Raksha and Mrs. Pramila had went to their maternal house along with their children to see their mother. At that time, the in-laws of the petitioner were present at home. The house of the respondent is a bungalow consisting ground plus one floor. The parents of the respondent stay at ground floor situated at left side and the petitioner's room is situated between the middle of the bungalow at ground floor wherein the respondent and his brother Mr. Dilip used to live prior to marriage. On the date of incident, the petitioner had quarrel with the respondent. The brother of the respondent namely Mr. Dilip was staying alone just adjacent to the petitioner's bedroom.

28. On 08.01.2021, in the wee hours the petitioner was alone in her bedroom and the respondent was out of station at Jodhpur. The daughter of her brother-in-law Mr. Dilip namely Ms. Ishita was studying in the 10th standard and due to non-availability of her mother she used to visit her bedroom during night time. She was asking questions to the petitioner regarding her study and was requesting her to prepare a cup of

tea as she was studying in the late night. On 08.01.2021, the petitioner was sleeping in her bedroom alone and Ishita was sleeping outside the petitioner's bedroom. The petitioner suddenly heard a noise and at that time, Mr. Dilip barged into her bedroom and bolted the bedroom from inside. He came near her and tried to snatch her bed-sheet. The petitioner was frightened due to sudden attack. She was in a night dress at that time and hence, she pulled the bed-sheet to secure her chastity. Mr. Dilip saw her frightening condition and told her 'don't bother about me. I am like your husband. I know that my brother is not there. But, I am going to give you the same pleasure of love and sex which my brother is not in a position to give you.' The petitioner was shocked and surprised and asked Mr. Dilip as to why he is talking with her in a dirty language. He suddenly came close to her bed from right side and pulled the bed-sheet which the petitioner was holding. He caught hold the petitioner's right hand and tried to pull her from the bed. The petitioner resisted and somehow tried to free her hand from his clutches. He again came near to her and forcibly pressed her boobs and kissed her on her chicks and lips. The petitioner tried to push him due to which he fall on the ground. Thereafter, he removed his shirt, baniyan, pant and brief and then taken out his erected penis and shown to the petitioner and said, 'see my penis this is better than your husband, come, we will have a sex and I will satisfy you, you are very hot and I want to lick your tits and wants to lick your pink pussy.'

29. Due to sudden sexual attack, the petitioner closed her eyes and tried to run away from the bedroom. The petitioner was opening the bolt of the door, he grabbed her from backside and pressed her boobs again and rubbed his erected pennis on her posterior by pulling her nighty pant. She again pushed him and forcibly opened the door and ran

away while pulling her nighty pant. She rushed to the adjacent room of her in-laws and informed them about the sexual attack on her by Mr. Dilip. But, they threatened her by saying, 'don't talk nonsense. Our son Dilip is not like that. You are making false and baseless allegations against him. Even though whatever saying is correct, what is the harm if he is trying to have sex with you. Even though if you get pregnant ultimately if you deliver a baby boy, it will be from a Soni Khandaan only.' The petitioner was terribly shocked and surprised after hearing this. She again went to her bedroom and locked it from inside. She called from her cell phone no. +9163678229933, +918600018867 to her maternal aunt Mrs. Sangita Soni mobile no. +917038707014 and informed her about the incident to which she was also shocked and surprised.

30. The father-in-law of the petitioner always used to taunt her in a filthy language 'people are illiterate and rustic villagers. They listen to everything but if any educated girl come in our house, it is very difficult to tackle her because she is not in a position to listen us what we say and she does not understand the respect and Rajasthani culture which illiterate and educated girl should follow.' The said conversation took in Hindi. The father-in-law always used to educational standard of the petitioner and used to taunt her. The in-laws of the petitioner had agreed before the marriage that the petitioner and the respondent will reside at Jodhpur flat and the respondent will do any work for upliftment of the career of the petitioner. But after the marriage, the attitude of the in-laws was totally changed. They taunted 'our son is practicing C.A. and there is no need that Gayatri should complete a training and practice as an Advocate in the Court of Law, I and my brother never allow you to earn money for our family and contribute to our financial requirements because we are financially stable and we do

not want any assistance from a girl who just got married with our son.' The said conversation took place in Hindi and the petitioner is having recording to that effect.

31. The petitioner got love letter two times which was written by the respondent on the letter head of the institute of Chartered Accountant of India to one Dipika Soni to a particular girl. On confrontation to the respondent, he admitted that he is having an affair with that girl and in spite of marrying with the petitioner he is going to enjoy with that girl in all respect and love her. The respondent took out the said love letter and torn and thrown in the dustbin. But, the petitioner had prior to that had taken a photograph of it which is in her possession. The respondent was talking to the girl on cell phone and on inquiry by the petitioner, the respondent told that he is intending to marry that girl. However, it was not possible for that girl to get marry, therefore, the proposal was rejected. The respondent was threatening her that he is going to throw her from his life forever. The petitioner informed the said fact to the family members of the respondent who on the contrary protected the respondent and threatened her and started taunting her that her mind is not proper and she is always suspecting on character of the respondent.

32. Before marrying to the petitioner, the respondent was having proposals from two girls which were rejected and there were again 4-5 proposals of the girls for the marriage were also canceled. The respondent has also intimated her that before finalizing the marriage proposal with her he had rejected at least 64 girls which surprised and shocked to her. As per the petitioner, the respondent took her at Jodhpur flat on 23.02.2021 and 24.02.2021 due to bad health of her mother. Her

sister was also arrived there who requested the respondent not to fight with the petitioner on petty occasions and to behave properly. The respondent lost his temperament on hearing this and asked her as to why she brought her sister at Jodhpur flat and whether she had taken permission from the respondent. The sister of the petitioner inquired as to why they are fighting and at that time, he tried to slap the petitioner and directed her to ask her sister to get out from Jodhpur flat.

33. The petitioner came to know that the respondent was having an affair with one of the staff namely Mrs. Rajeshwari Vaishnav as well as another girl namely Ms. Aarati G. Rajpurohit and Ms. Dipika Soni. After the marriage, the petitioner came to know that his relationship with Ms. Aarati is just like husband and wife and the respondent used to send messages and WhatsApp and Telegram chatting with her due to which the respondent had not allowed the petitioner to stay at Jodhpur flat. The respondent was threatening the petitioner to defame her before the Soni Community whenever their relationship points were raised by her. Mrs. Rajeshwari had sent many things to the respondent about her relationship with him of which conversation is in custody of the petitioner. She is also having screenshot in respect of SMS sent by the respondent to Ms. Aarati from her cell phone no. +918502804248 which was sent on that day at 4.51 p.m. The colored photographs, conversation and transcripts and screenshots of the SMS, audio recording are filed on record.

34. The petitioner was in respondent's office in month of January-2021. At that time, one of the office staff namely Mrs. Rajeshwari told her that she is in relationship with the respondent like husband and wife and she also disclosed that the respondent was also in

relationship with Ms. Aarati and Ms. Dipika. She also disclosed that even some time they were and are enjoying deep, cozy and intimacy relationship which transferred into physical relationship and day in day out sexual relationship to the extent of mutual sexual complete satisfaction. She also disclosed that the respondent was and is in relationship with the married women as well as spinsters and having an attitude to enjoy multiple sex partners to satisfy his sexual urge. One day when the petitioner was in the respondent's office chamber at that time, Ms. Aarati was sitting in chair and the respondent was standing behind her who was holding Ms. Aarati's face in his hand from backside and was kissing her desperately like a movie scene shown in a movie murder.

35. The respondent was also used to sing a song in front of Mrs. Rajeshwari, Ms. Aarati and Ms. Dipika 'Bheegey Hont Tere, Pyaasa Dil Mera, Lage Abrah Sa, Ha Mujhe Tan Tera, Chamke Barsa De, Mujh Par Ghatay, Tu Hi Meri Pyaas, Tu Hi Mera Jaan, Kabhi Mere Saath, Koi Raat Guzaar, Tujhe Subah Tak Mein Karoon Pyaar, Wo..O.O.Oh.. Ho...' The petitioner came across a love letter written by the respondent two times on the letter of The Institute of Chartered Accountant of India to Ms. Dipika Soni. The petitioner took photograph of it in her mobile phone. The xerox copies of said love letters are annexed. The petitioner received the letter sent by the respondent on 09.06.2021 at 5.30 p.m. by Speed Post bearing no. ER995301453IN, then she shot of an E-mail on 13.07.2021 at 14.58 hrs. and requested time for reply. Then on 12.06.2021 by RPAD/Speed Post and thereafter, on 29.06.2021. The xerox copies of letters and replies are filed on record. The petitioner had decided to file police complaint but there were no eye witnesses and there is likelihood that the respondent in complete love with Mrs. Rajeshwari, Ms. Aarati and Ms. Dipika might have instigate them to

prosecute her for defamation. The petitioner when got said fact to the notice of her sister-in-laws Mrs. Raksha and Mrs. Pramila, they started blaming her that she is suspicious and having grudge in her mind.

36. The father-in-law of the petitioner had visited the house of maternal uncle namely Mr. Hariprasad P. Soni on 11.03.2021. At that time, the respondent had went to the Surat. The father-in-law of the petitioner told Mr. Hariprasad and her mother in front of brother 'My son Ravi is not living with me from so many years and he always use to live at Jodhpur, I am not aware about his bed personality because I was not able to provide him good cultural values, he is a spoiled, brat and uncultured, if you sending him in jail the things which he had and/or is doing with Gayatri then I will brother about it and I will not speak the word against it.' At that time, the mother-in-law shouted on the petitioner and directed her to leave the house at once. The sister-in-law namely Mrs. Pramila, who is wife of brother of the respondent Mr. Dilip U. Soni took out all gold ornaments from her including gold mangalsutra from her neck. At that time, Mrs. Pramila literally snatched the mangalsutra which was on the person of the petitioner and said, 'your husband did not purchase new mangalsutra at the time of marriage on the contrary on the day of your marriage I have prepared and purchased new mangalsutra which was given to you by me as a gift.'

37. All silver and gold ornaments were also taken out from her person and at that time, the brother of the respondent namely Vidyasagar and his wife Mrs. Raksha were present there. They also threatened her to remove her stridhan, all bags and keys in her possession and forced her to leave the house and go to Jodhpur. The mother-in-law and sister-in-laws namely Mrs. Raksha and Mrs. Pramila rushed towards the petitioner

and slapped one by one and forcibly asked her to leave. Therefore, all kind of stridhan is in the respondent's custody. The father-in-law of the petitioner namely Mr. Ugamchand F. Soni came at Jodhpur to meet her mother and explained her that the physical condition of the petitioner that she is not in a position to consume food and her health is deteriorating. Her mother was burst into the tears and told her brother to go to Merta city to see the petitioner. The conversation which took place between the respondent and the brother of petitioner was in the *Marwadi* is translated in *Hindi*. The incident took place on 12.03.2021 at 1.30 p.m..as under.

- Gopal - Aap check karle 'Bag mai kay hai Saheb, Baad mai Ravi Ji and family members baaten sub mai phaleyenge ki Gayatri sub saaman (jewelry) etc. lekar Jodhpur chali gyi, "mai aap par bharosa nhi kar skta hu" (it was addressed to the KUS)
- The Petitioner - Maine bola thaa Jodhpur flat par bhi Ravi ji ne jab jagde kiye aur baad mai bhi mujpe hi blame lgaaya gye ki – "iss ladki ne jewelry maangi (blamed by Ravi Soni).
- The KUS - Ye bolna galat hai ki muje check karni hai gold jewelry Gayatri sath lekr ja rhi hai ya nhi..." Gayatri meri beti jaise hai... Muje kuch dekhne ki jarurat nhi hai and ye kuch bhi apne sath lekar nhi ja rhi hai.

38. All jewelry and gold ornaments were kept in *almirah* which is kept in Mrs. Raksha's room situated at the right side of the petitioner when she was sitting adjacent to her mother-in-law. The petitioner kept the key on the bed and suddenly her mother-in-law took it into her right

hand. When the petitioner's brother insisted her mother-in-law to show what is in the bag as well as in the *almirah*, at that time, her mother-in-law flatly refused to have an access to *almirah* where the gold ornaments were kept and her mother-in-law accepted that all the gold and silver ornaments are in her custody. The above conversation was recorded in the mobile phone of her brother and when her brother visited Merta city at that time, he was shocked and surprised to see that all the family members of the respondent forcibly throwing the petitioner from their house. At that time, the respondent was later on absconded from the scene and failed to interfere in the sad episode of the said incident.

39. The petitioner was forced to return to Mumbai at her maternal aunt's house due to bad behavior of the respondent and his entire family. Thereafter, she filed a complaint u/s. 154 of the Cr.P.C. on 20.06.2021 bearing C.R.No. I-84/2021 F.I.R. No. 0197757 registered at Boriwali (W.), Mumbai for an offence punishable u/secs. 323, 354, 354-A, 406, 498-A, 504, 506 r.w. Sec. 34 of the Indian Penal Code, 1860. A charge-sheet of a case registered as Case/W No. 3521/2021 was filed before the Court 26 MM, Boriwali (W.). She also filed criminal application no. 598/2023 u/s. 407 of the Code before the Hon'ble High Court on 05.03.2025. The petitioner is filing the said documentary evidence on record. Due to the behavior of the petitioner and his family members which was pathetic, inhuman, barbaric and due to mental and physical harassment the petitioner not to talk to the respondent. She was also afraid of the respondent's past conduct and threatened her that he will indulge her in false civil and criminal allegations. The respondent never looked after her properly and failed to perform marital responsibilities and obligations. They are trying to blackmail and lower her image in the society. Therefore, she has no option but to initiate

appropriate legal actions against them. The petitioner had sent notice for divorce on 08.08.2022 by RPAD and Speed Post which are duly received by them as per the tracking details of the Indian Post Office. The xerox copies of the same have been filed on record.

40. As per the petitioner, the respondent is professional Chartered Accountant and also having partners in various C.A. firms. The respondent has posted photograph of office and name of the firm on website of LinkedIn which is downloaded on 11.05.2025 at 18.03 hrs.. The petitioner had also downloaded the information of the respondent in respect of fees in charges as Chartered Accountant and his profile where the respondent mentions the fees which he is going to charge for providing professional services. He is accepting cash as fees and therefore, the fees received in Bank account may be lesser. The digital footprint and downloaded copies of LinkedIn profile are filed on record.

41. The respondent in spite of the notice has miserably failed either to cohabit or give sufficient maintenance and maintain her properly as legally wedded wife. The petitioner though practicing lawyer does not absorb the respondent from maintaining the petitioner. The respondent is facing proceedings of divorce as well as proceedings of domestic violence. The petitioner has given a tabular form about her expenses which is as under,

Sr. No.	Title	Amount (In Rs.)
1.	Loss of earning due to removal of the petitioner from the matrimonial house	10,000.00
2.	Physical and mental injury caused to petitioner	12,500.00

3.	Food, clothes	5,500.00
4.	Medication and other human survival basic necessities	5,000.00
5.	Other household expenses	1,000.00
6.	House rent expenses	15,000.00
7.	Transportation	5,000.00
8.	Out of pocket and other misc. expenses	5,000.00
Total		64,000.00

42. The respondent has deprived the petitioner from the basic necessary expenses and therefore, she is required to file present petition. The respondent is earning Rs. 8,00,000/- to 10,00,000/- (In words Rupees Eight to Ten lakh only) per month excluding fees which he is receiving in cash. The respondent has continuously threatened and subjected her to mental, physical, economical cruelty and miserably failed to discharge his duties as husband towards the petitioner. Therefore, the petitioner has claimed the maintenance amount of Rs. 64,000/- (In words Rupees Sixty Four thousand only) per month from the respondent.

43. The respondent filed his say/written statement at Exh 15. The relationship between the parties is admitted. But denied that the respondent has committed any act of cruelty towards the petitioner. It is contended that he has looked after the petitioner in every manner possible until their separation. The respondent has denied all the contentions in the petition as false and untrue. As per the respondent, both decided to get married to live happily ever after and he has never abused in filthy language or had idiotic or psychic behavior towards her. Similarly, his family has also not made any harassment as alleged by her. On the contrary, she has been treated with love and care to the fullest

extent possible. The respondent has never harassed or tortured her mentally and physically nor economically forced into a trap or position of bankruptcy. He has never violated fundamental principles of marriage as alleged by the petitioner. The respondent had never visited the house of the petitioner with any ill intention. On the contrary, the said visit was for the engagement ceremony. Therefore, the contention of the petitioner that on 02.02.2020, the respondent was intending to engage her by hook or crook is false and misleading.

44. The respondent had been working with M/s. Jams and Associated however, he had never received any revenue from the said firm since the firm had closed down after all the partners had separated. Furthermore, the respondent does not have a firm called M/s. Ravi Soni & Associates rather the defendant has a firm registered by the name Ravi Soni itself and the firm consists of the respondent apart from 3-4 office staff such as clerks and typists etc.. As per the respondent, he had not taken any gifts from the petitioner's family at the time of the marriage either as dowry or otherwise. On the contrary, the 18 gifts mentioned by the petitioner had been given to her by her family as per the traditional customs and the said items and cash were sole in the possession and custody of the petitioner which are taken by her while leaving the house. The respondent and his family had never forced the petitioner to do any household work or clean the entire residence of the family and the contentions in that respect are absurd to say that she has to clean the entire bungalow at least 8 times in a day and she was treated as bounded labor to work like cooking, washing the clothes and ironing clothes of all family members. He has denied that his family members i.e. his mother, brothers and sister-in-laws were taunting her and she has to look after 5 children of the family.

45. On the contrary, the respondent had always strive to ensure a good environment for her. The respondent was not exclusively living in Jodhpur and rather occasionally traveled back and even during the time period between Monday and Saturday. Both they had spent even a month of their initial marital life visiting various temples of family deities of the respective families by visiting Mumbai, Shirdi, Bharuch during this period. The respondent has denied the allegations in respect of first wedding night, forcibly feeding betel nut leaf to the petitioner. He has also denied that he was showing certain pornographic video to her. He has also denied the demands in respect of making the petitioner pregnant at first instance itself or delivery of baby boy thereafter. The petitioner has made said allegations with malafide intention to discredit his reputation.

46. The respondent has never denied any basic needs to her and has shown care towards her. He has never passed any comments and had never deliberately created any fight or dispute. He has denied that he had thrown small articles towards the petitioner or caused her any injuries and he is not in habit of throwing his phone on the person of the petitioner. He has also denied that his family members were enjoying the situation and hurling abuses in Rajasthani language. As per the respondent, he had not physically assaulted her nor forced her into sexual intercourse at Jodhpur flat. He has denied that he had hurled abuses at her mother and brother. Further, he has denied malicious allegations raised by the petitioner about his character that he is having affairs with different girls as baseless and false.

47. The respondent has never obstructed the petitioner in her pursue in her career. Rather he has always supported and promoted her

in every endeavor to the fullest extent possible and has fulfilled every promise made towards her. The incident in respect of the petitioner's cousin sister is false and fictitious and rather he has supported her in every function and event related to her maternal side. The allegations of the petitioner in respect of snuffing the *hukkah* and drinking the liquor is entirely malicious and false. The respondent has denied the party as alleged and allegations of hurting the petitioner through biting or forcing her to consume certain pills for sexual activities as bogus and fabricated. The respondent is not in habit of drinking or smoking *hukkah*. The respondent has always considered the petitioner's family as his own and he was entirely supporting towards the petitioner and her family during their time of crisis and he had done it at fullest to aid them in every manner possible. The respondent had never harassed or threatened her and was treated with great love and care. She was never forced to stay at Merta village or prevented from coming to Jodhpur flat. He has denied of making any demands of monetary or ornaments. As per the respondent, he has not made any insulting statements about the petitioner's family nor regarding her capacity to bear children.

48. As per the respondent, he has never been in any illicit relationship with any colleagues and the allegations made with malafide intentions to discredit the reputation of the respondent. He has never shouted nor threw any utensils and cell phone at the petitioner to harm her. Therefore, the said contentions are false. The respondent has never caused any mental trauma and physical assault on her. There was no incident in respect of the respondent and sister-in-law occurred as alleged by her. He has not made any derogatory statements towards her in public and the incident of Baiwar village is entirely fabricated. The respondent has denied that he had physically assaulted or hurled abuses

towards her. Further his brother and sister-in-law never threatened her with false allegations nor he had insulted her as alleged. He had never denied any essential items to her or forced her to work as housemaid. The incidents in respect of function at village Merta dated 07.03.2021 in the get together on the same evening are false and baseless. She or her family was never insulted nor threatened by the family members of the respondent. The respondent had never threatened her with death or assassination and he never stayed separately at Jodhpur for few months. The respondent had not forced her to stay at village Merta by denying to take her Jodhpur. She was never given any divorce threats. The respondent was not exclusively living at Jodhpur rather he was occasionally traveling between Monday and Saturday. The petitioner was also taken to Jodhpur whenever she had demanded.

49. The respondent and his family always tried to maintain cordial and caring relations with her. The allegations in respect of the petitioner's menstrual cycle and required essentials is fabricated and malicious. As per the respondent, he had given the petitioner Rs. 35,000/- in cash so that she may purchase required items without asking him for money. The respondent and his family members never forced her to isolate herself for seven days during the period of menstruation. The respondent and his father never questioned her about any money deposited in her account. The mother of the respondent had always showered her attention and affection and the petitioner was never forced to work 24 x 7 in kitchen like a laborer. She was deeply cared by his family when she was fell ill for almost a week till she had gone to her maternal home.

50. The respondent has denied that his brother had misbehaved with her as alleged by entering her bedroom and trying to have forced

sexual intercourse with her while using filthy and abusive language. Said allegations are entirely baseless and no such incident had occurred. The father of the respondent never insulted or taunted her in filthy language. Further, he had never objected to her education rather he had promoted and supported for the same in advancing and developing her career. She was never restrained from roaming freely in the house. As per the respondent, he never had any extra marital affair during his marriage and the allegations concerned with the love letter written by the respondent are entirely false and baseless. Said allegations are concocted story with sole intention of discrediting the reputation of the respondent. The respondent was always beloved and cultured husband and never behaved as a villain in the life of the petitioner. He has never insulted the petitioner's sister nor told her sister to leave the flat. He had also not tried to slap the petitioner.

51. As per the respondent, he had no extra marital affair or relation with the persons mentioned by her. On the contrary, he has purely working relation as colleagues. Hence, said allegations are entirely fabricated and malicious to discredit his reputation. He had never threatened her with defamation. The respondent has denied that he had written any love letter as alleged by the petitioner. His parents had neither misbehaved with her nor his sister-in-law had touched the petitioner and therefore, there is no scope of snatching her mangalsutra. His brother and sister-in-law did not commit any actions as alleged by her nor forced her to leave the house. His mother, brother and sister-in-law did not slap or assault her to take forceful possession of any articles of stridhan as alleged by her. Said incident never occurred and is entirely concocted.

52. The respondent and his family never possessed pathetic, inhuman and barbaric approach towards her. She was neither mentally or physically harassed nor threatened with false allegations. There were no attempts to blackmail her to lower her image in the eye of the society. As per the respondent, he has not deliberately shown less earnings before the Court or stated that he is having lots of loan on his head. As per the respondent, he or his own firm do not have any website and that the contentions he accepts cash is entirely fabricated with malicious intention. The table of expenses furnished by the petitioner is strongly and totally opposed and denied by. He has denied the averments about his income. As per the respondent, he has not neglected or refused to maintain the petitioner during their cohabitation and all other averments, contentions and allegations are entirely denied and opposed by him. Accordingly, prayed to dismiss the petition with costs.

53. The efforts of conciliation are made but it failed. The report of Counselor is at Exh. 17.

54. The following points arise for my determination on which I have recorded my findings for the reasons mentioned below.

Sr. No.	Points		Findings
1.	Whether the petitioner proves that the respondent, despite of having sufficient means, neglected or refused to maintain the petitioner ?	..	In the affirmative
2.	Whether the petitioner is unable to maintain herself ?	..	In the negative

3.	Whether the petitioner is entitled to the maintenance ? If yes, what is the quantum ?	..	In the negative
4.	What Order ?	..	Petition is dismissed

55. In support of the petition, the petitioner has filed affidavit of Assets and Liabilities at Exh. 29 and examined herself at Exh. 31. In support of her evidence affidavit, she has filed documentary evidence as follows.

Sr. No.	Document	Exh. No.
1.	Copy of statement of the applicant from Bank of India, branch Alibag from the opening till 31.03.2026 and IT return for the year 2022-2023	42
2.	Notarized xerox copy of Aadhar Card of the applicant	57
3.	Notarized xerox copy of PAN Card of the applicant	58
4.	Notarized xerox copy of Aadhar Card of the respondent	59
5.	Notarized xerox copy of PAN Card of the respondent	60
6.	Notarized copy leave and license agreement	61
7.	Notarized copy of light bill of the house of the respondent	62
8.	Certificate of the respondent from Shri Brahmin Swarnakar Rishte	63
9.	Notarized xerox copy of the marriage invitation card of the applicant and the respondent	64
10.	Colored photocopy of the marriage photograph of the applicant and the respondent	65
11.	Notarized copy of the yadi of the stridhan	66

12.	Notarized copy of yadi of the articles and gold and silver ornaments which were gifted in the marriage of the applicant and the respondent	67
13.	Notarized receipts of ornaments of the applicant and the respondent	68/1 to 68/37
14.	Notarized xerox copy of payment of Rs. 13,300/- to Shri Naresh and Brothers Lehanga by google pay	69
15.	Notarized photographs of ornaments, clothes and other articles which were given to the respondent by the family members of the applicant	70/1 to 70/11
16.	Colored photocopies of the Fizer 100 mg., Viagra tablets and color photocopies of the Homeopathic medicines used by the respondent and notarized bill	71 & 72
17.	Photocopies of the sachet of Viagra tablets and its cover	73
18.	Photographs of the respondent along with his office staff Rajeswari Vaishnav	74 to 76
19.	Photo of the respondent along with his office staff Aarati Rajpurohit	77
20.	Profile photo of the respondent and Aarati Rajpurohit on LinkedIn App	78
21.	Photograph of the respondent along with Dipika Soni	79
22.	Notarized copies of SIM card status	80
23.	Notarized copies of the information of the mobile and mobile version	81
24.	Notarized photocopies of the mobile of the applicant	82 to 84
25.	Notarized photocopies of the mobile of Gopal	85 to 88
26.	Photocopy of the CD of Moserbaer company make and CD	89 & 90
27.	Typed notarized copy of conversation between the respondent and Dipika Soni	91

28.	Photographs of love letters written by the respondent to Dipika Soni on letterhead of CA Institute	92/1 to 92/3
29.	Notarized copy of letter addressed to the brother of the applicant	93
30.	Notarized copy of the envelop of the letter addressed to the brother of the applicant	94
31.	Letter sent by the applicant seeking time to give reply to letter dated 09.06.2021	95
32.	E-mail in respect of the letter sent by the applicant seeking time to give reply to letter dated 09.06.2021	96
33.	Copy of reply to the notice dated 09.06.2021	97
34.	Copy of C.R. No. 84/2021 registered in Boriwali (W.) police station against the respondent and his family members	98
35.	Copy of the statement of the applicant in respect of C.R. No. 84/2021 registered in Boriwali (W.) police station against the respondent and his family members	99
36.	Copy of the supplementary statement of the applicant in respect of C.R. No. 84/2021 registered in Boriwali (W.) police station against the respondent and his family members	100
37.	Copies of the English translated conversation between the applicant and the respondent	101
38.	Notarized copy of Instruction-cum-Authority letter signed by the applicant	102
39.	Copy of the notice dated 08.08.2022 sent to the respondent	103
40.	Postal receipts of notices dated 08.08.2022 sent to various police stations	104/1 to 104/9
41.	Copy of the track reports of the Post office in respect of notices received by various police stations	105/1 to 105/9
42.	Acknowledgment about receipt of notice by the respondent	106

43.	Copy of the notice reply and envelope sent by the respondent dated 23.08.2022	107/1 & 107/2
44.	Notarized copies of color and black and white photographs of the profile of the respondent downloaded from www.justdial.com	108/1 to 108/9
45.	Pen-drive	Article B
46.	Marriage Counselor report of verification of Pendrive Article B	50

56. The respondent has filed his affidavit of Assets and Liabilities at Exh. 45. The respondent has neither examined himself nor adduced any documentary evidence on record. Perused the written arguments filed by the petitioner and the respondent at Exh. 51 and 52 respectively.

REASONS

Point No. 1 -

57. It is not disputed that parties got married on 25.11.2020 and there is no offspring out of said wedlock. It is also admitted that the petitioner left matrimonial home on 12.03.2021. It is also admitted that the petitioner is practicing advocate at the District Court, Alibag as well as Hon'ble Bombay High Court, Hon'ble Apex Court under the Advocate's Act, 1961. The respondent is practicing Chartered Accountant under the Chartered Accountant's Act, 1949 and working for gain at Jodhpur, Rajasthan.

58. The petitioner has leveled series of serious allegations against the respondent and his family members which compelled her to leave the matrimonial home. The sum and substance of the said allegations are that The parents of the respondent, brothers and their wives started treating the petitioner as paid servant by telling her to do

household work such as cleaning the bungalow, directing her to clean the entire bungalow at least eight times in a day and to do cooking, washing the clothes, ironing clothes of all family members and she was treated as bonded labor. The family of the respondent was having five children and the petitioner was also directed to look after them on daily basis. The mother-in-law, brother-in-laws and their wives used to taunt the petitioner saying 'you cannot work properly, you are physically unfit to work in our family, it can be seen that your mother has failed to give you proper sanskar (संस्कार) as to how one has to work at her husband's house, you idiot, nonsense and useless girl'.

59. It is her further contentions that she was pressurized to get pregnant and deliver a baby boy. She was not provided with basic needs such as sanitary pads. The respondent was throwing some articles in anger towards her which was causing injury to her person. The family members of the respondent were abusing her. The respondent was denying her to live together at Jodhpur and on the contrary, she was forced to live with her in-laws at Merta city. As per the petitioner, the respondent was addicted to hukkah and drinks and was suffering from pre-mature ejaculation for which he was taking pills. The respondent also had love affair with women working in his office and the petitioner at once found a love letter in that respect.

60. It is further allegation of the petitioner that the respondent had prevented her to transfer her Sanad from Bar Council of Maharashtra and Goa and Bar Council of Rajasthan which was against to his promises. The respondent was also preventing her to attend functions of her maternal side. The respondent was sexually and physically harassing her, biting on her neck or back or breast and also used to punch her in

stomach. She was also mentally harassed as she is low class person for no money which was causing her mental agony.

61. The petitioner has specifically narrated the incident dated 08.01.2021 when she was alone in the bedroom and was sexually assaulted by her brother-in-law Mr. Dilip. The petitioner has categorically mentioned the details in minute way. The said incident definitely is such which would threaten the safety of the petitioner. The respondent has merely denied the said incident but neither examined any witness nor has entered into the witness box to deny the said incident. The best witness about the said incident was available with the respondent has not been produced before the Court. In such situation, the allegation leveled by the petitioner about the sexual assault on her by her brother-in-law seems to be genuine and trustworthy.

62. It is further contention of the petitioner that the respondent was having love affair with the girls working in his office. On confrontation to the respondent, he admitted that he is having an affair with that girl and in spite of marrying with the petitioner he is going to enjoy with that girl in all respect and love her. The respondent took out the said love letter and torn and thrown in the dustbin. But, the petitioner had prior to that had taken a photograph of it on 25.12.2020 which is in her possession. The petitioner as per her examination-in-chief and has averred the same series of allegations against the respondent and his family members in detail. The advocate for the respondent has cross-examined the petitioner but, there is not a single denial in respect of the said serious allegations. The petitioner has filed audio recording of several communications which took place between the respondent, herself, her in-laws in detail. The petitioner has filed the said

conversation in pen-drive which is at Annexure B along with its transcript. I have gone through the said conversation comparing along with the transcript filed by the petitioner on record. It reveals that the said conversation has taken place in Hindi and somewhere in Marwadi of which the English translation from audio clip no. 1 to 12, 14, 15, 16, 17, 18, 20, 21, 22. Except this the other conversation is originally in Hindi and it is converted by the petitioner in English transcript. The audio clips of said conversation when compared along with the transcript it show that the said transcript is not resembling word to word and some portion in the said conversation is not audible. In such situation only one or two lines or one of the paragraph is matching with the audio conversation. In such situation, it cannot be determined the actual reference of the conversation and its subject and the background behind such conversation. Further, the petitioner has not disclosed any date or time of the said recording. In such situation, the said conversation cannot be relied upon only in a piecemeal conversation without fully knowing its background.

63. From the above discussion, the electronic evidence produced by the petitioner in respect of the said conversation cannot be relied upon. But, even in such situation, the oral testimony of the petitioner cannot be neglected. The petitioner has elaborated each and every incident of harassment in detail. The respondent, though having opportunity to rebut the said allegations has not availed it and has not shown any circumstances to deny or disbelieve the version of the petitioner. In such situation, the contentions of the petitioner that she was mentally, physically, emotionally harassed and abused are trustworthy and reliable.

64. It is also contention of the petitioner that she had come across the love letter written by the respondent two times on the letter head of Chartered Accountant Institute of India of which she had taken photograph in her mobile phone which is filed on the record. The respondent was also having the conversation to WhatsApp and mobile with the said girls of which the recording available with the petitioner. The same is also filed on record. The petitioner has filed telephone conversation which took place between the respondent and one Rajeshwari which is containing 33 audio. The said conversation match with the conversation recorded in the pen-drive. On going through the said electronic evidence, it reflects that the petitioner has nowhere mentioned the date and time as to when the said conversation took place. Further the said conversation is between the respondent and one Rajeshwari is definitely lying in their mobile phone. The petitioner in her certificate u/s. 63 (4) of the BNSS Act has nowhere clarified as to how the said conversation has been made available to her. In such situation, the primary source of the said conversation has not been disclosed by the petitioner as to how it came in her custody as she was not present at the time of said conversation. It is the primary duty of the petitioner to show the original source of electronic evidence beyond doubt which she has failed. The petitioner has also filed on record the xerox copy of a love letter written by the respondent to one Dipika. As per the petitioner she had taken photo of said letters in her mobile and thereafter it was destroyed by the respondent. It is to be noted that the said letter is a xerox copy and there is no other handwriting of the respondent available on record to verify it with the handwriting containing in the said letter. In such situation, it cannot be come to the conclusion that the said lover letter was written by the respondent.

65. The petitioner though has failed to show the documentary evidence about the love affairs of the respondent, then also there are specific contentions made by her that when she had visited the office she had seen the respondent kissing to one of girl in the office staff namely Ms. Aarati G. Rajput. The allegation leveled on the respondent in respect of his love affairs with his office staff girls is serious allegation. The respondent though has denied the said allegations in his written statement has neither entered in the witness box nor has given any suggestion to the petitioner in her cross-examination to deny the said allegations.

66. It is specific contention of the petitioner that her stridhan is lying with the respondent and his family. She has specifically narrated the incident whereby the respondent was absent from his home and his family members took all her gold ornaments and gold mangalsutra from her. She was also slapped and forced to leave the house due to which her health was deteriorated. Her brother Mr. Gopal had visited to her matrimonial home at Merta city to see her and conversation which took place between the petitioner, Mr. Gopal and her mother-in-law was recorded in the mobile phone of Mr. Gopal. The said incident took place on 12.03.2021 at 1.30 p.m.. As per the petitioner the said conversation shows that the stridhan was still lying in the custody of the respondent and his family members.

67. The petitioner has filed the said conversation in pen-drive along with the transcript under the heading stridhan/gold custody incident. I have gone through the said video but there is no video found in the pen-drive in respect of the said incident. The petitioner has not examined her brother Mr. Gopal who as per the petitioner was present at

the time of the incident. In such situation, there is no concrete evidence to come to the conclusion that the stridhan of the petitioner is lying in the custody of the respondent and his family. Further this proceedings being a summary proceeding, it is not necessary to go into the minute details of the dispute regarding stridhan as it requires detail inquiry and the petitioner has already taken legal action against the respondent for recovery of stridhan by filing a criminal case.

68. On going through all the above discussion and evidence on record, it reflects that the petitioner was mentally and physically harassed by the respondent and his family members. The allegations leveled by the petitioner are of grave nature which compelled her to leave the matrimonial house. The respondent, though denied said incidents in his written statement had not entered in the witness box nor examined any witness to rebut or disbelieve the said allegations. Further, the respondent had an opportunity to deny the said allegation in the cross-examination of the petitioner. But no such efforts have been made. In such situation, the testimony of the petitioner inspires confidence. The respondent is a Chartered Accountant and has sufficient means to maintain the petitioner. But there is nothing to show that he has made any efforts to maintain the petitioner. In such situation, there is clearly neglect and refusal on the part of the respondent to maintain the petitioner. Accordingly, I answer as to point no. 1 in the affirmative.

Point No. 2 -

69. As per the petitioner, the respondent is professional Chartered Accountant and also having partners in various C.A. firms. The respondent in spite of the notice has miserably failed either to

cohabit or give sufficient maintenance and maintain her properly as legally wedded wife. The respondent has deprived her from the basic necessary expenses and therefore, she is required to file present petition. The respondent is earning Rs. 8,00,000/- to 10,00,000/- (In words Rupees Eight to Ten lakh only) per month excluding fees which he is receiving in cash. The respondent has continuously threatened and subjected her to mental, physical, economical cruelty and miserably failed to discharge his duties as husband towards the petitioner. Therefore, the petitioner has claimed the maintenance amount of Rs. 64,000/- (In words Rupees Sixty Four thousand only) per month from the respondent. The petitioner has also filed on record copies of cases filed against the respondent and his family members i.e. R.C.C. No. 288/2025 u/s. 201, 204 (1) (a) (2) (5) and I.P.C. Sec. 191, 193, 199, 209 against the respondent, R.C.C. No. 103/2025 u/s. 498-A, 406, 354, 354 (A), 323, 504, 506, 34 against the respondent and his family members. Petition-A No. 73/2022 u/s. 13 (1) (i-a) (i-b) under Hindu Marriage Act for divorce.

70. As per the respondent, the petitioner is working as an advocate in District Court, Alibag as well as before the Hon'ble High Court and the Hon'ble Supreme Court. She has sufficient means to maintain herself and she need not to grant any maintenance. Both the parties have filed their Assets and Liabilities affidavits on record. On going through the contents of said Assets and Liabilities affidavit of the petitioner, it reflects that she has specifically claimed Rs. 64,000/- (In words Rupees Sixty four thousand only) per month and her approximate expenditures have been calculated as specifically mentioned in the chart of para no. 39 in the judgment. As per the petitioner, she is earning Rs. 15,000/- (In words Rupees Fifteen thousand only) per month by practicing as an advocate at District Court, Alibag and before the Hon'ble

Bombay High Court and as a partner advocate with M/s. N.Deepak and Company. She has filed Income Tax returns for the assessment year 2023-2024-2025-2026 and her account statements for the last three years of State Bank of India, branch Alibag. As per the petitioner, she do not have any movable or immovable property. On the contrary, as per her say the stridhan is in the custody of the respondent. Therefore, she has filed a Summary Suit No. 1/2023 u/s. 80 of the Negotiable Instruments Act, 1881 which is pending before C.J.S.D. Alibag. She has not shown any of her liabilities. Apart from this she do not have any assets and liabilities.

71. I have gone through the Income Tax returns of the petitioner for the assessment year 2022-2023. The total income has been shown Rs. 4,99,190/- (In words Rupees Four lakh ninety nine thousand one hundred ninety only) after all permissible deductions from the same. It is seen that in the said assessment she has been shown of payment of LIC premium of Rs. 20,000/- (In words Rupees Twenty thousand only), Mediclaim of Rs. 25,000/- (In words Rupees Twenty five thousand only) and rent of Rs. 82,000/- (In words Rupees Eighty thousand only) In the said year she has been shown to have received consultancy charge of Rs. 10,08,412/- (In words Rupees Ten lakh eight thousand four hundred twelve only) and after all the deductions her net profit is shown Rs. 6,12,185/- (In words Rupees Six lakh twelve thousand one hundred eighty five only) and after all the deductions she has received total income of Rs. 4,99,185/- (In words Rupees Four lakh ninety nine thousand one hundred eighty five only). She has also shown cash and bank balance of Rs. 3,24,972.14/- (In words Rupees Three lakh twenty four thousand nine hundred seventy two and fourteen paise only), sundry debtor Rs. 2,24,632/-, jewelry of Rs. 2,13,289/- (In words Rupees Two lakh thirteen thousand two hundred eighty nine only), deposit loan

and advances fo Rs. 2,11,169/- (In words Rupees Two lakh eleven thousand one hundred sixty nine only) and other assets of Rs. 2,34,520/- (In words Rupees Two lakh thirty four thousand five hundred twenty only). All such details have been given in current assets of Assessment year of 2022-2023. The overall calculations show that the petitioner has net profit of Rs. 6,12,185/- (In words Rupees Six lakh twelve hundred one eighty five only) as per the capital account in the financial year 2021-2022.

72. The petitioner has also filed Income tax returns for the assessment year 2024-2025. The total income is shown Rs. 6,99,980/- (In words Rupees Six lakh ninety nine thousand nine hundred eighty only). Her net profit was shown as Rs. 5,68,315/- (In words Rupees Five lakh sixty eight thousand three hundred fifteen only) as per the profit and loss account. She has also been shown to have received salary from N.Deepak and Company to the tune of Rs. 1,80,000/- (In words Rupees One lakh eighty thousand only). Her net income in the said year is shown as Rs. 6,99,983/- (In words Rupees Six lakh ninety nine thousand nine hundred eighty three only). As per the balance sheet for the Assessment year 2024-2025, she has shown assets of cash and bank balance of Rs. 4,23,884/- (In words Rupees Four lakh twenty three thousand eight hundred eighty four only), the fees received by her is shown as Rs. 7,33,575/- (In words Rupees Seven lakh thirty three thousand five hundred seventy five only), the deposit for row house is shown to Rs. 1,00,000/- (In words Rupees One lakh only) and sundry assets of Rs. 5,58,421/- (In words Rupees Five lakh fifty eight thousand four hundred twenty one only). Thus her net income was of Rs. 6,99,983/- (In words Rupees Six lakh ninety nine thousand nine hundred eighty three only).

73. The petitioner has also filed income tax returns for the assessment year 2025-2026. Her total income is shown as Rs. 6,99,940/- (In words Rupees Six lakh ninety nine thousand nine hundred forty only). As per the balance sheet of 31.03.2025, she has shown cash and bank balance of Rs. 4,87,432/- (In words Rupees Four lakh eighty seven thousand four hundred thirty two only), fees receivable as Rs. 8,52,441/- (In words Rupees Eighty lakh fifty two thousand four hundred forty one only), deposit for row house and office of Rs. 1,00,000/- (In words Rupees One lakh only) and sundry assets of Rs. 5,11,478/- (In words Rupees Five lakh eleven thousand four hundred seventy eight only). She has also filed her account statement from State Bank of India for the period 01.04.2023 to 28.03.2026.

74. The respondent has filed Assets and Liabilities Affidavit at Exh. 45. The respondent has shown that he is receiving monthly income of rs. 75,000/- (In words Rupees Seventy five thousand only). Further he has self acquired property of three plots and one Two BHK flat. He has total loan borrowed approximate of Rs. 1,63,78,000/- (In words Rupees One crore sixty three lakh seventy eight thousand only) out of which outstanding loan amount of Rs. 1,21,96,728/-(In words Rupees One crore twenty one lakh ninety six thousand seven hundred twenty eight only) as on 31.03.2025. He has given loan of around Rs. 52,00,000/- (In words Rupees Fifty two lakh only) to the relatives and he has sold out his flat in Surat in March-2021 due to loan. He is paying EMI of Rs. 3,30,000/- (In words Rupees Three lakh thirty thousand only) per month. As per the respondent, he is practicing Chartered Accountant. He is sole proprietor and individual. Further he was partner in a C.A. Firm name Giya and company Chartered Accountant for the period 31.12.2024 to

24.02.2026. His net income from the business is around Rs. 9,00,000/- (In words Rupees Nine lakh only) per-annum. As per the respondent, the petitioner is earning around Rs. 50,000/- to 80,000/- per month. The respondent has filed the details of the loan borrowed by him from various bank and financial institutions to the tune of Rs. 1,63,78,000/- (In words Rupees One crore sixty three lakh seventy eight thousand only) out of which Rs. 1,21,96,728/- is pending.

75. The respondent has filed Income Tax returns for the assessment year 2023-2024 which shows his total income Rs. 4,21,880/-. Further, the Income Tax return for the assessment year 2024-2025 shows his total income of Rs. 4,72,630/-. The Income Tax return for the assessment year 2025-2026 shows his total income of Rs. 5,06,810/- (In words Rupees Five lakh six thousand eight hundred ten only). He has also filed the account extracts in respect of loan borrowed from Bajaj Housing Finance from 28.06.2023 to 30.03.2026 of Rs. 25,71,243/- (In words Rupees Twenty five lakh seventy one thousand two hundred forty three only), Aditya Birla Capital from 05.01.2023 to 05.08.2025 of Rs. 20,00,000/- (In words Rupees Twenty lakh only), TATA Capital the loan amount of Rs. 10,00,000/-, the account statement from 16.10.2022 to 05.12.2026. He has also borrowed loan of Rs. 10,00,000/- fro Yes Bank, the account statement from 04.12.2022 to 04.11.2025 filed on record. He has borrowed loan amount of Rs. 13,00,000/- from IDFC Bank, branch Jodhpur and the details of principle and interest chargeable for 60 months till 02.04.2027 are filed on record, the account extract of Bajaj Housing Finance of loan amount of Rs. 25,71,243/- with loan transaction details from 28.06.2023 till 02.06.2025 filed on record. He has also filed account statement of SBI branch, Merta city for the period 01.04.2022 to 31.03.2025. Account statement of Indusind Bank for the period

01.04.2022 to 31.03.2025, account statement of AU Small Finance Bank for the period 01.04.2022 to 31.03.2025, account statement of IDFC First Bank for the period 29.06.2022 to 31.03.2023.

76. The learned advocate for the petitioner argued that the petitioner is entitled to the equal standard of living with the respondent. He relied on the following case laws.

Rohtash Singh versus Ramendri (Smt) and others reported in (2000) 3 Supreme Court Cases 180 wherein it has been held by the Hon'ble Supreme Court that,

10. Claim for maintenance under the first part of Section 125 Cr.PC. is based on the subsistence of marriage while claim for maintenance of a divorced wife is based on the foundation provided by Explanation (b) to Sub-section (1) of Section 125 Cr.PC. If the divorced wife is unable to maintain herself and if she has not remarried, she will be entitled to Maintenance Allowance.

Dr. Swapan Kumar Banerjee versus State of West Bengal and another reported in (2020) 19 Supreme Court Cases 342 wherein it has been held by the Hon'ble Supreme Court that,

7. Explanation II to Section 125 CrPC by deeming fiction includes a divorced woman to be a wife and, therefore, a woman who has been divorced by her husband can still claim maintenance under Section 125 CrPC. The question is how we should read the provisions of sub-section (4) in this regard, especially when we deal with those women, against whom a decree of divorce has been obtained on the ground that they have deserted their husband. Once the relationship of marriage comes to an end, the woman obviously is not under any obligation to live with her former husband. The deeming fiction of the divorced

wife being treated as a wife can only be read for the limited purpose for grant of maintenance and the deeming fiction cannot be stretched to the illogical extent that the divorced wife is under a compulsion to live with the ex-husband. The husband cannot urge that he can divorce his wife on the ground that she has deserted him and then deny maintenance which should otherwise be payable to her on the ground that even after divorce she is not willing to live with him.

Deepa Joshi versus Gaurav Joshi reported in SLP (CRL.) No. 15662 of 2025 wherein it has been held by the Hon'ble Supreme Court that,

16. The obligation of the husband to maintain his spouse is a primary and continuing duty, which must be discharged in a manner that enables the wife to live with dignity and in a standard commensurate with that enjoyed during the subsistence of the marriage. Viewed thus, deductions on account of asset-generating repayments cannot be permitted to substantially dilute the respondent's real earning capacity for the purpose of determining maintenance.

Sunita Kachwaha and others versus Anil Kachwaha reported in (2014) 16 Supreme Court Cases 715 wherein it has been held by the Hon'ble Supreme Court that,

7. Inability to maintain herself is the pre-condition for grant of maintenance to the wife. The wife must positively aver and prove that she is unable to maintain herself, in addition to the fact that her husband has sufficient means to maintain her and that he has neglected to maintain her. In her evidence, the appellant-wife has stated that only due to help of her retired parents and brothers, she is able to maintain herself and her daughters.

Where the wife states that she has great hardships in maintaining herself and the daughters, while her husband's economic condition is quite good, the wife would be entitled to maintenance.

Bhuwan Mohan Singh v. Meena & Ors (2014) Criminal Appeal No. 1331 of 2014 S.L.P. No. 1565 of 2013

2. Section 125 of Cr.P.C. was conceived to ameliorate the agony, anguish, and financial suffering of a woman who has left her matrimonial home for the reasons set forth in the provision so that the Court can make appropriate arrangements for her and her children if they are with her. The term "sustenance" does not always imply that one is living an animal's existence. She has the legal right to conduct her life in the same manner as she would have in her husband's home.

77. On going through the said documentary evidence on record it is seen that both the petitioner and the respondent are having income source. On perusal of the Income Tax returns of the petitioner it reflects that she has filed the said Income Tax returns in her name showing her name as proprietor of G.Soni & Associates. In her cross-examination, a question was asked about the said firm on behalf of the respondent and it was deposed by the petitioner that she had started legal firm in the name of G.Soni and it was shut down after her marriage. She was specifically shown balance sheet of G.Soni and Associates for the financial year 2023-2024. It is deposed by the petitioner that her Chartered Account has wrongly prepared balance sheet in the name of G.Soni and Associates. Considering the said contentions of the petitioner, it reflects that, the petitioner is taking contradictory stands. In one place she is deposing that after the marriage she had shut down the legal firm in the name of G.Soni and on the contrary she has filed on record the Income Tax

returns of G.Soni and Associates for the assessment year 2022-2023, 2024-2025 and even for the assessment year 2025-2026. If the said legal firm is shut down by the petitioner then, there was no reason for her to file Income Tax returns and that too showing net profit till the assessment year 2025-2026. In such situation, it is seen that the petitioner has not come before the Court with clean hands. Once, she had filed the documentary evidence in respect of her income from G.Soni company then the petitioner cannot retract from the same.

78. From the documentary evidence on record it is reflected that the petitioner has sufficient means and income source by working as an advocate. There is no offspring out of the wedlock. Further no one is dependent on her and there is no any other liability on the petitioner. In such situation, whatever earning the petitioner is making is fully available for her own expenses. In such situation, the petitioner has shown to have sufficient means and income for her livelihood and she is able to maintain herself properly. In such situation, there is no necessity that the respondent shall provide any maintenance to her. The petitioner though succeeded in proving that she has been neglected and refused to be maintained by the respondent, she has failed to prove that she is unable to maintain herself. Accordingly, I answer to point no. 2 in the negative.

Points No. 3 and 4 -

79. It is argued by the advocate for the respondent that the petitioner is having sufficient means of earning and therefore, she is not entitled to any kind of maintenance. In that respect he has relied on following case laws.

Chaturbhuj versus Sita Bai reported in 2007 (8) Supreme 525 wherein it has been held by the Hon'ble Supreme Court that,

6. Under the law the burden is placed in the first place upon the wife to show that the means of her husband are sufficient. In the instant case there is no dispute that the appellant has the requisite means.

7. But there is an inseparable condition which has also to be satisfied that the wife was unable to maintain herself. These two conditions are in addition to the requirement that the husband must have neglected or refused to maintain his wife. It is has to be established that the wife was unable to maintain herself. The appellant has placed material to show that the respondent-wife was earning some income. That is not sufficient to rule out application of Section 125 Cr.PC. It has to be established that with the amount she earned the respondent-wife was able to maintain herself.

Smt. Geeta & Anr. versus The State & Anr. reported in 2025 Supreme (Online) (Del) 6803 wherein it has been held by the Hon'ble Supreme Court that,

11. The learned Family Court, thus rightly reached to a conclusion that such omission, without any cogent explanation, casts a doubt on the genuineness of her claim and justifies an adverse inference against her. The learned Family Court, therefore, rightly held that the wife had concealed her actual income and withheld the most relevant documents which alone could establish her present financial incapacity. This Court concurs with that view, as the primary ingredient for grant of maintenance to a wife under Section 125 CrPC – i.e. her inability to maintain herself – has not been satisfactorily proves, in absence of clear and reliable evidence of financial hardship, the claim

of the wife becomes speculative and cannot be sustained.

Anu Aggarwal versus Sushant Aggarwal reported in 2026 PHHC 002754

wherein it has been held by the Hon'ble Punjab and Haryana High Court that,

12. It is settled proposition of law that maintenance under Section 125 Cr.PC. is payable only when the wife is unable to maintain herself. The Hon'ble Supreme Court in the case of "Chaturbhuj v. Sita Bai", (2008) 2 SCC 316 has categorically held that a wife having sufficient independent income or means is not entitled to maintenance. This principle has been reiterated and streamline in "Rajnesh v. Neha", (2021) 2 SCC 324 wherein, the Hon'ble Supreme Court emphasized full disclosure of income and assets and clarified that Section 125 Cr.PC. is a measure to prevent destitution and not a source of unjust enrichment.

Premdeep versus Bhavana reported in 2020 Supreme (Bom) 527 wherein

it has been held by the Hon'ble Bombay High Court that,

15. In the teeth of the irrefutable position, that the respondent wife did have a source of income and that the material fact that she was employed with the HDFC Bank was not disclosed in the affidavit in examination in chief and au contraire, a solemn statement on oath was made that she has no source of income, indicated that the respondent wife may consider, in order to show remorse and repentance giving up the benefit of the order which is obtained by resorting to falsehood.

80. On going through the oral discussion and the findings given by the Hon'ble Apex Court, I am of the view that the petitioner is having sufficient means for her livelihood which is justified to her standard of living. In such situation, considering the ratio laid down in above cases, the petitioner is not entitled to maintenance. Accordingly, I answer as to point no. 3 in the negative and in answer to point no. 4, I pass the following order.

ORDER

Petition is dismissed.

(Dictated and pronounced in open Court.)

Date : 29.04.2026

(Amruta A. Shinde)
Judge,
Family Court, Raigad-Alibag