

C. C. NO.151/DV/2019

ORDER BELOW EXH-23

The respondent no.3 by the present application have prayed for directions to be issued by the Court to applicant to the effect that she shall file her affidavit of Assets and Liabilities as per guidelines of Hon'ble Apex Court in Rajnesh Vs Neha.

2] The application is opposed by the applicant by filing reply on it.

3] The applicant has filed written notes of argument (Exh-27). Per contra, Advocate for respondent no.3 orally argued the matter.

4] The application is opposed on the ground that respondent no.3 is mother-in-law of the applicant. She has filed another matter bearing C. C. No.236/DV/2019 in which she has prayed for various reliefs under the provisions of DV Act. However, as per law she can not claim the said relief against the applicant (daughter in law).

5] In my opinion, the said argument, at present, is not acceptable. There is no harm if the applicant files her affidavit of Assets and Liability. Per contra, it would be helpful for the court to decide the application for interim maintenance on the basis of information provided by the applicant in her such affidavit. She therefore shall submit the affidavit of Assets and Liabilities positively till next date.

6] I have gone through the matter. It appears that the applications filed by the applicant in present matter and her mother in law (Pravinaben) in another matter i.e. C. C. No.236/DV/2019 for the grant of interim maintenance are still pending. It is not desirable to keep such applications pending for about more than three years. This court has already extensively heard both parties and both the

interim application were initially rejected. Later on, the fact that the said order was passed mistakenly by the court was brought to the notice of the court by the applicant in present matter. Accordingly, common order passed in both the said matters was recalled and parties were directed to argue on their applications for interim maintenance. It is once again directed to both the parties that on next date they shall argue their respective applications for interim maintenance else, this court will decide both the said applications on its merits.

7] Prior to that, as stated above, the applicant shall submit her affidavit of Assets and Liabilities so as to decide the present matter with required effectiveness and clarity regarding income and liabilities of both the parties.

8] With these directions, the application is disposed of.

Date :- 15/01/2024

Place:-Vikhroli.

Sd/-
(S. M. Kale)
Addl. Chief Metropolitan Magistrate,
31st Court, Vikhroli, Mumbai.