



CNR No. MHSI070002292024  
Order passed below Exh. No.11  
in Other Crim. Misc. Appln.04/2024

The present application has been filed by the applicant seeking to set aside the No assets and liabilities order dated 19.12. 2024.

2. It is the contention of the applicant that she is burdened with the responsibility of caring for her minor son, and therefore, it was not possible for her to obtain and produce her bank statements in time. She has further contended that she has no independent source of income and is residing at the expense of her father. Due to these circumstances, she could not provide the necessary information to her advocate for the preparation and filing of the affidavit of assets and liabilities. Hence, she has prayed for setting aside the said order and for permission to place her affidavit of assets and liabilities on record.

3. The respondent has resisted the application by filing a reply at Exh. 13, contending that the application is false and frivolous. It is submitted that as per the directions of the Hon'ble Supreme Court, the affidavit of assets and liabilities was required to be filed within the prescribed period. The applicant has not offered any satisfactory explanation for the delay. It is further submitted that the affidavit sought to be filed is not in consonance with the judgment of the Hon'ble Supreme Court in *Rajnish vs. Neha*, and therefore, the application deserves to be rejected.

4. I have heard both sides and perused the record. It appears that the applicant is looking after her minor child and, therefore, might have been preoccupied with his well-being. Hence, her inability to collect the necessary documents and information for filing the affidavit of assets and liabilities cannot be entirely ruled out.

5. Moreover, for a just adjudication of the application for maintenance, the filing of affidavits of assets and liabilities by both parties is mandatory as per the guidelines laid down by the Hon'ble Supreme Court in *Rajnish vs. Neha*. Whether the affidavit filed by the applicant is in strict consonance with those guidelines can be examined at the stage of hearing maintenance application. At this juncture, it would be proper and in the interest of justice to permit the applicant to place her affidavit of assets and liabilities on record. Considering that the applicant has availed legal aid services, it would not be proper to burden her with costs. Hence following order,

#### ORDER

1. The application Exh. 11 is allowed.
2. The No assets and liabilities order dated 19.12. 2024 is hereby set aside.
3. The affidavit of assets and liabilities filed by the applicant shall be taken on record.
4. No order as to costs.

(Pronounced and dictated in open Court.)

Place : Malvan  
Date : 08/10/2025

M.K.Fakih  
Judicial Magistrate F.C., Malvan