

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 903 OF 2022  
IN  
FAMILY COURT APPEAL NO. 33 OF 2015

Mahendra Singh Thakur ...Applicant

*Versus*

Rajnigandha @ Rita Singh ...Respondent

WITH  
CIVIL APPLICATION NO. 57 OF 2015  
IN  
FAMILY COURT APPEAL NO. 33 OF 2015

Rajnigandha @ Rita Singh ...Applicant

*Versus*

Mahendra Singh @ Nirbhay Sing Thakur ...Respondent

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**Ms. Chanchal Singh** a/w. Ms. Prashita Mamodia i/b. M/s. R. V. Sankpal & Associates, Advocate for the Applicant in IA 903 of 2022.

**Ms. Anjali Patil** a/w. Mr. Tohid Shaikh, Advocate for the Respondent.

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**CORAM: BHARATI DANGRE &  
MANJUSHA DESHPANDE, JJ.**

**DATED: 23 JANUARY 2026.**

**PC:-**

1. This Interim Application is filed in the Appeal by the wife under Section 24 of the Hindu Marriage Act, 1955 ( "HM Act", for short) seek the following reliefs:

*(a) That, pending the hearing and final disposal of the Appeal, the Appellant be directed to handover the*

*possession of Flat No.1203 or 1204 in Building No.1A, Green Acres CHS. Ltd., 325 Lokhandwala Complex, Andheri (W), Mumbai- 400 053 for his residence.*

*(b) That, pending the hearing and final disposal of the Appeal, the Appellant be directed to pay a sum of Rs.2,50,000/- per month as maintenance w.e.f. 13/05/2016.*

*(c) That, pending the hearing and final disposal of the Appeal, the Appellant be directed to pay a Sum of Rs.5 Lakhs as Litigation Expenses.*

2. We have heard the counsel for the applicant–husband who has taken out the application and also Ms. Anjali Patil representing the respondent, who has submitted before us that there are three Civil Suits filed by the husband against the wife which are pending and this involves the interest of the parties in the property, claimed by husband to be purchased by him with a specific denial of the wife to that extent. However, when we have perused the application under Section 24 of the Hindu Marriage Act, 1955 t, in form of application for maintenance *pendente lite* and expenses of the proceedings, we have perused the application to find that there are no pleadings to consider the application, as Section 24 of the Hindu Marriage Act, 1955 clearly contemplate that if it appears to the Court that either the wife or the husbands the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceedings, on an application made by either of them, the Court may order the other party to pay the expenses of the proceedings and such monthly amount, having regard to the petitioner’s own income and the income of the respondent, as the Court seem to be reasonable.

When we perused the application, we do not find any such ingredient being set out in the application, and the only grievance pertains to the property; that is what we find prayer (a) in the application. However, since there is no pleading that the applicant husband is unable to maintain himself and that the wife should arrange for every monthly sum for him, we are not inclined to entertain the application. More so, for the reason that during the pendency of the proceedings before the Family Court, no such application was filed and now in the application the applicant husband seek the amount of Rs. 2,50,000/- per month as maintenance with effect from 13.05.2016. Since the burden is upon the applicant to demonstrate that his income is not sufficient for his own maintenance, we dismiss the application as the ingredients of Section 24 of the HM Act, are not made out.

**3.** Since the Appeal is admitted in the year 2016, we direct it to be listed for hearing on **27.02.2026 at 03:00 p.m.**

**(MANJUSHA DESHPANDE, J.)**

**(BHARATI DANGRE, J.)**