



rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2132 OF 2026
IN
FAMILY COURT APPEAL NO.21 OF 2026

Nandkumar Mohan Bhat .. Applicant
In the matter between
Nandkkumar Mohan Bhat .. Appellant
vs.
Aditi Nandkumar Bhat alias
Aditi Shraikant Kulkarni .. Respondent

Mr.Kapil Shetye for the Appellant.

Mr.Ashutosh Kulkarni for the Respondent.

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

DATE : 8th MAY 2026

P.C. :

1 The Family Court Appeal is filed by the husband being aggrieved by the order dated 21/01/2026 passed by the Family Court No.2, Pune, where the Petition filed by the wife was allowed and the marriage solemnized on 07/03/2006 is dissolved by a Decree of divorce under Section 13(b) of the Hindu Marriage Act.



The said order also directed payment of maintenance of Rs.20,000/- per month with 10% increase every year to the son, from the date of passing of order, till he attains majority.

2 The learned counsel for the Appellant has instructions to make a statement that as far as these two directions are concerned, he has no grievance, but his grievance is about direction in Para 4 of the order, where the Respondent is directed to pay a sum of Rs.15,00,000/- towards permanent alimony to the Petitioner within a period of two months from the date of the order.

By inviting our attention to the impugned Judgment of the Family Court, the learned counsel has urged that there was no prayer for permanent alimony and in absence of any pleading to that effect, when he responded to the Petitioner and even stepped into the witness box, he did not adduce any evidence in that regard.

The learned counsel for the Respondent-wife conceded to the fact that there was no such specific prayer.

3 In the wake of the aforesaid, since the appellant husband has agreed to abide by the above two stipulations in the impugned Judgment viz. the marriage having been dissolved at the instance of the wife and the maintenance granted to the son with its enhancement every year, but in absence of any adjudication on the issue of permanent alimony, we deem it appropriate to remand the Petition No.1174/2019 to the Family Court, Pune.



Since the learned counsel for the wife has specifically conceded that there was no specific prayer for grant of permanent alimony, we grant him liberty to amend the pleadings in the petition so that upon this plea being adopted, the Respondent-husband would be in a position to respond and the Court shall frame a specific issue, restricting only to the claim of permanent alimony and adjudicate the same after affording necessary opportunity to the parties to adduce evidence.

Since what deserve consideration by the Family Court is only the issue of permanent alimony, we make it clear that the Family Court shall not touch the other findings in the Judgment and shall restrict itself to the claim of permanent alimony.

We expedite the proceedings before the Family Court upon its remand and direct the same to be determined in any case, not later than six months from today. We make it clear that rights and contentions of both the Parties are kept open.

We also make it clear that as far as maintenance of the child is concerned, since that is not questioned by the husband, he shall deposit the arrears, if any, and shall continue to make payment in terms of clause no.(3) of the order dated 21/01/2026 .

In the wake of above, Family Court Appeal alongwith Interim Application stand disposed of.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]