

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****FAMILY COURT APPEAL ST NO. 14036 of 2026****with****INTERIM APPLICATION ST NO. 14037 of 2026****IN****FAMILY COURT APPEAL ST NO. 14036 of 2026**

Hrishikesh Prakash Mahadik .. Appellant

Versus

Naina Hrishikesh Mahadik .. Respondent

...

Mr.Vijay Kurle for the appellant.

Ms.Priyanka J. Mahadeshwar with Karuna Gaikwad for the respondent.

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

DATED : 8th MAY 2026,

P.C:-

1 The Family Court Appeal is filed being aggrieved by the order dated 13/3/2024 by the Family Court at Bandra on IA No.47/2022 which was filed by the wife in the pending petition No.A-1461/2025 for dissolution of marriage on the ground of desertion and cruelty.

The application was moved by the wife for interim maintenance and by order dated 13/3/2024, it was partly allowed, directing the husband to pay monthly maintenance of

Rs.10,000/- by way of interim arrangement from the date of the application till decision of the petition.

He was also asked to clear the arrears in six equal monthly instalments starting from 1/4/2024.

2 It is informed that some steps were taken by the wife for implementation of the order by attaching the salary of the husband who is working in Mazgaon Dock.

3 We have heard learned counsel Mr.Kurle who seek stay of the order, but we have also taken note of an application for condoning the delay of 783 days in filing the Family Court Appeal.

On the application, we are inclined to afford an opportunity for the respondent to file her response.

4 The respondent is represented by Ms. Mahadeshwar. Responding to the argument advanced before us, on behalf of the husband, to the effect that the respondent wife has remarried on 15/3/2019, during the subsistence of their marriage, she has denied the statement.

5 Mr. Kurle submit that the claim in the Appeal is based on an assertion that since the respondent is married during the subsistence of the marriage, and therefore, she is not entitled for claiming maintenance and she had concealed this fact from the Court from which she obtained an order for grant of maintenance in the sum of Rs.10,000/-.

The counsel for the respondent-wife, however, specifically deny the said assertion as according to her, the photographs which are placed on record are morphed and she has never performed second marriage.

3. In the peculiar circumstances when the conundrum exist whether the wife has performed the marriage during the subsistence of the marriage with the appellant and whether that would deprive her for right to maintenance, we deem it appropriate to have a clear statement of facts in this regard.

We, therefore, direct the appellant to file an affidavit placing on record the photographs which are placed before us making a categorical averment in that regard.

We also permit the respondent wife to file an affidavit denying the assertion of the appellant that she has performed marriage on 15/3/2019.

4 However, as we find conflict in the version from the affidavits that are being filed by the parties, we will direct appropriate investigation to be conducted, as we must caution that none of the parties are permitted to take the Court for a ride and we clearly indicate that if we find the statement of either party made in the affidavit to be false/incorrect, we shall hold the party liable for an action of perjury for filing false affidavit before the Court and misleading the Court.

5 In the mean time, since the very issue between the parties is the entitlement of the wife for the maintenance which is sought to be defeated by contending that she is remarried

which disentitle her to claim the maintenance, we direct that the order passed by the Family Court on 13/3/2024 is kept in abeyance till the parties file the affidavit and we take further steps to investigate into the most crucial aspect, whether the marriage between the parties subsists.

Let the affidavits, as directed above, be filed on or before 19/6/2026.

List the Appeal for further consideration on **25/6/2026**.

(MANJUSHA DESHPANDE, J)

(BHARATI DANGRE, J.)