

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 8852/2026

Arjundas Bairagi S/o Shri Prabhudas Bairagi, Aged About 36 Years, R/o Near Jeewan Mandir, Bedla, District- Udaipur (Raj.)
Original Domicile Of Dhaba Sarwaniya Maharaj, District- Nimach (M.P.)

----Petitioner

Versus

Maya Bairagi W/o Arjundas Bairagi D/o Mohandas Bairagi, Aged About 34 Years, R/o Near Jeewan Mandir, District Udaipur, Maternal Home At Kanjada, District Nimach, Currently R/o Khandelwal Ji Ka Makan, Teliwada, Bedla, Te.- Badgaon, District Udaipur (Raj.)

----Respondent

For Petitioner(s)	:	Mr. Ojas Shakdwipeeya
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

05/05/2026

1. It is contended by learned counsel for the petitioner that in the light of judgment rendered by the division bench of this Court passed in ***Kaushlya Soni vs. Ravikant Soni***, D.B. Civil Misc. Appeal No. 2040/2023, the present writ is maintainable till adjudication of the issue by larger bench.

2. It is contended by learned counsel for the petitioner that by the impugned order dated 17.03.2026 passed by the learned Family Court No.3, Udaipur, the application filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 has been allowed and the petitioner has been directed to pay

maintenance amount of Rs.10,000/- per month from the date of filing of the application under Section 13(1) of the Hindu Marriage Act, 1955 i.e. 24.01.2024, along with Rs.10,000/- towards litigation expenses and advocate's fee and Rs.400/- per hearing towards travelling and proceedings expenses.

3. Learned counsel further submits that the learned family Court has failed to appreciate that earlier both the parties had jointly filed an application under Section 13-B of the Hindu Marriage Act and pursuant thereto, the petitioner had already handed over possession and ownership of his artificial jewellery business/shop to the respondent-wife, from which she is earning sufficient income.

4. It is further submitted that despite the aforesaid facts and despite affidavits regarding income and expenditure having been filed by both the parties in terms of the settled principle of law, the learned family Court has passed the impugned order in an arbitrary manner.

5. The matter requires consideration.

6. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.

7. In the meanwhile and till the next date of hearing, effect and operation of the order dated 17.03.2026 passed by the learned Family Court No.3, Udaipur in Civil Misc. Case No.02/2025 (CIS No.05/2025) shall remain stayed to the extent of payment of monthly maintenance amount of Rs.10,000/-.

8. However, it is made clear that the petitioner shall pay Rs.10,000/- towards litigation expenses and advocate's fee (one



time) and Rs.400/- per hearing towards travelling and proceedings expenses, as directed by the learned family Court.

(MUKESH RAJPUROHIT),J

57-Ramesh/-