

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

S.B. Civil Writ Petition No. 9343/2026

Smt. Sunita W/o Shri Manoj Kumar D/o Shri Krishan Kumar,
Aged About 36 Years, Resident Of House No. 114, Ward No. 44,
Barakt Colony, Hanumangarh, Tehsil And District Hanumangarh
(Raj.)

----Petitioner

Versus

Manoj Kumar S/o Shri Harish Kumar, Resident Of House No.
1187/5, Ward No. 15, Dhingda Gali, Purani Abadi, Tehsil And
District Shriganganagar, Second Address Near Punjab And Sindh
Bank, Opposite Agra Tiki, Shriganganagar, Third Address
Agrasen-I, Behind Dindayal School, House No. 62,
Shriganganagar.

----Respondent

For Petitioner(s)	:	Mr. Rajat Rajpurohit for Mr. Sajjan Singh Rajpurohit
For Respondent(s)	:	Mr. Rajender Singh Charan

HON'BLE MR. JUSTICE SAMEER JAIN

Order

29/06/2026

1. Learned counsel for the petitioner has challenged the order dated 10.04.2026 (annexure-8) passed by learned Family Court, Hanumangarh (Raj.), whereby the application filed by the petitioner-wife under Section 24 of Hindu Marriage Act, 1955 for interim maintenance and litigation expenses has been only partly allowed.
2. It is submitted that the main thrust of passing of the impugned order is on the ground that under Section 125 Cr.P.C., maintenance issue has been adjudicated and therefore the same should not be considered under Section 24 of the Hindu Marriage

Act; and the second line of argument is that material facts are being ignored by the learned Trial Court, and the impugned order has been passed against the judicial precedent of **Rajnesh Vs. Neha: 2021 (2) SCC 324.**

3. Learned counsel for the petitioner Mr. Rajat Rajpurohit has submitted that being adequately qualified and educated cannot prejudice the case of petitioner, who is not able to maintain equal standard of living with that of the husband. Learned counsel for the petitioner has also relied upon judgment of Hon'ble Supreme Court passed in **Criminal Appeal No.2310/2014: Sunita Kachwaha and others Versus Anil Kachwaha** and **Civil Appeal No.4615/2017: Manish Jain Versus Akanksha Jain.**

4. Heard the submissions made, and perused the material available on record.

5. Upon doing the needful, this Court deems it apposite to jot down the following observations:

(i) That vide the impugned order the minor son is paid a sum of Rs.10,000/- per month by the husband on regular basis which is undisputed.

(ii) That there is no Income Tax return(s) annexed with the writ petition, neither the record reflects as whether the petitioner is earns enough to compeer the status of the respondent-husband or otherwise. The fact of having the petitioner being employed as ICICI bank agent and teacher in a recognized school prior to marriage is also considered by the learned Trial Court.

(iii) That the petitioner is having a PAN number, and the same is granted only when income is taxable as per the norms and rules of the Income Tax Act.

6. Thence, in view of the foregoing observations and a catena of judgments, the Court is of a view that writ jurisdiction cannot be invoked when there is zilch apparent perversity; that the judgments relied by the petitioner are not applicable on the present case as herein the husband is already paying the maintenance amount as order qua the child-son and the petitioner-wife prima facie appears to be able to maintain herself.

7. Accordingly, the present writ petition is dismissed. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J

12-DEEPAK/-