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MP-1928-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 31st OF MARCH, 2026MISC. PETITION No. 1928 of 2026

[REDACTED]

Versus

[REDACTED]

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Appearance:

Shri Rajesh Kumar Patel - Advocate for petitioner.

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ORDER

The present petition has been filed challenging the order dated 18.02.2026 passed by the Family Court, whereby the Family court has rejected the application under Section 24 of the Hindu Marriage Act for grant of *pendente lite* maintenance and litigation expenses.

2. The respondent/husband has filed a divorce petition against the petitioner/wife. The parties got married on 04.11.2022. There is no issue born out of wedlock and the parties are living separately from each other since June, 2023.

3. As per application under Section 24 of the Hindu Marriage Act, the petitioner as per her own admission is admittedly working with annual income of Rs.20.00 Lakhs and her allegation is that the respondent is having annual income of Rs.30.00 Lakhs, though it was denied by the respondent.

4. The Family Court has held that looking to no other responsibility with the wife and she herself earning Rs.20.00 Lakhs per annum in her own employment, therefore, she is not entitled to any *pendente lite* maintenance.

5. This Court does not find any error of jurisdiction or reasoning in the aforesaid order of the Family Court because as per admitted income of the petitioner, which is Rs.20.00 Lakhs per annum, her monthly income would be Rs.1.66 Lakhs. Before the



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Family Court, the petitioner thereafter resiled from her admission and stated that now her salary has been reduced to Rs.14.81 Lakhs.

6. Be that as it may be, even then her monthly salary would be Rs.1.25 Lakhs with no other responsibility.

7. At this stage, counsel for the petitioner has relied on a Division Bench judgment of Delhi High Court in the case of **Smt. Shikha Badhani vs. Shri Hemant Badhani** (MAT. APP. (F.C.) 252/2024) wherein the Delhi High Court despite the wife earning Rs.1.25 Lakh per month, has granted the *pendente lite* maintenance to Rs.1.50 Lakh per month.

8. However, the aforesaid case was a case of stark disparity in the financial status of husband and wife wherein the husband was working with an annual income of Rs.1.35 Crore whereas the wife had monthly income of Rs.1.25 Lakh per month and moreover, she had a child to maintain.

9. In the present case, there is no child to maintain and there is no such financial disparity between the husband and wife whose incomes are comparable to each other.

10. The present petition is nothing, but an attempt to extract a pound of flesh from the husband, which cannot be permitted.

11. Consequently, the petition fails and is **dismissed**.

(VIVEK JAIN)
JUDGE

psm