



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION No. 16733 of 2023  
WITH  
INTERIM APPLICATION No. 13095 OF 2023  
IN  
FAMILY COURT APPEAL No. 39 OF 2023**

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.. Applicant

**Versus**

Mukesh Popatlal Gada

.. Respondent

████████████████████, Applicant/Wife appeared in person in IA/16733/2023 and Respondent in IA/13095/2023.

Mr. Dushyant Purekar a/w. Mr. Rajat Dedhia, Advocates for Respondent/Husband in IA/16733/2023 and Applicant in IA/13095/2023.

CORAM : B. P. COLABAWALLA &  
SOMASEKHAR SUNDARESAN, JJ.

Reserved on : December 21, 2024

Further Reserved on : November 6, 2025

Pronounced on : November 10, 2025.

**JUDGEMENT (*Per, Somasekhar Sundaresan J.*) :**

1. At the threshold we must mention that this case was reserved on December 21, 2024. After the Christmas break, due to a change in roster, this Bench did not sit in the same combination. Further, the exigencies of work delayed pronouncing the judgement. Due to the

aforesaid delay, and the efflux of time, the matter was kept for directions afresh on November 6, 2025. While the written submissions of the parties were comprehensive, the parties were asked if they wished to make further submissions considering the time gone by. The parties indicated that they have no further submissions to make, considering that they had filed detailed written submissions, and submitted that they have no objection to the judgement bring pronounced. Accordingly, we have proceeded to pronounce judgement today.

**Context and Factual Background:**

2. ██████████ and ██████████ got married on November 16, 1997. ██████████ originally from Mumbai, moved to Pune to live with ██████████ and his family upon marriage. The marriage lasted 16 years, with the couple co-habiting in their matrimonial home. Since 2013, they have lived separately. ██████████ filed a petition for divorce in 2015, which was allowed by the Learned Family Court, Pune, granting him a divorce on February 24, 2023 (“*Impugned Judgement*”) on the ground of cruelty, with the permanent alimony fixed at Rs. 50,000 per month.

3. During the course of the divorce proceedings, payment of interim maintenance had been directed, also at Rs. 50,000 per month. It is a

matter of record that [REDACTED] has regularly been in arrears on payment of the interim maintenance from time to time. Multiple applications have been filed in the journey of this litigation, where the frequent piling up of arrears is discernible.

4. Both parties are in appeal against the Impugned Judgement. The Impugned Judgement has been stayed.

**Contentions of the Parties:**

5. This judgement deals with two competing Interim Applications filed by the parties seeking interim relief pending hearing and final disposal of the cross appeals. [REDACTED] has filed Interim Application No. 16733 of 2023 [REDACTED] seeking enhancement of the interim maintenance to make it commensurate with her expenses, which also have to fend for her daughter. [REDACTED] has filed Interim Application No. 13095 of 2023 [REDACTED] seeking cancellation of the interim maintenance on the premise that he is not a man of means to pay Rs. 50,000 per month and that he has paid more than enough already.

6. The [REDACTED] pleads that Mukesh has historically been a chronic defaulter in payment of the interim maintenance awarded by the Learned Family Court. It is contended that [REDACTED]'s affidavits, meant

to be filed in the form and substance as stipulated by the Supreme Court in *Rajnish vs. Neha*<sup>1</sup>, are blatantly false. Yet, she would contend, without drawing any adverse inference, the Learned Family Court has given an unreasonably low maintenance, which too has been defaulted upon regularly. Therefore, pending the hearing and final disposal of the appeals, Purvi has sought enhancement of monthly maintenance to Rs. 5 lakhs or such other amount as this Court would deem appropriate, commensurate with the living expenses and maintenance of her daughter, whose upbringing has been placed entirely on her shoulders.

7. The ██████████ pleads that pending hearing and final disposal of the appeals, he be relieved of any obligation to pay any maintenance. ██████████ would plead that he had advanced a loan of Rs. 50 lakhs to ██████████'s uncle, who was to pay him Rs. 50,000 per month, but the uncle has stopped paying ██████████ and can be said to be paying the said sum to ██████████. This, by implication, he would contend, absolves him of the obligation to pay any maintenance. The ██████████ would admit that ██████████ is a partner of multiple firms in the real estate business but would contend that he has no income from them and that the business of these firms has been depleted since the Covid-19 Pandemic.

<sup>1</sup> *Rajnish vs. Neha and Anr.* – (2021) 2 SCC 324

8. Referring to the various assets found in the material on record, ██████ would point to some interest or the other enjoyed by others over the same assets as held in his name, to indicate that these assets cannot be said to be his own. Alluding to his personal Income Tax Returns, ██████ would contend that his income is very low and has tapered down to barely over Rs. 6 lakhs for the Assessment Year 2022-23. Mukesh would point to insurance policies taken by him for the couple's children and indicate that ██████ and the daughter are beneficiaries of his benevolence. Considering that he has paid premia on it, he would submit that the policy maturity value would be owed to him by them.

9. Mukesh would point to ██████ having sufficient income to support herself by working as a home tutor. The ██████ would contend that ██████ runs a plant nursery business. He would total up the amounts paid during the pendency of litigation at Rs. 21.65 lakhs to claim that this is more than enough money that he may be called upon to pay. In a nutshell, ██████'s contentions can be summarised as him being a person who does not have income to support himself, much less pay the alimony granted to ██████ who on the other hand, is purportedly well resourced to fend for herself. Therefore, he would contend that this

Court should bear these facets in mind, to stay the payment of any alimony to Purvi.

**Analysis and Findings:**

10. We have heard ██████ as a party in person and found her to be capable of pleading her case well and methodically explaining the material on record meticulously collated by her. We have also heard Mr. Dushyant Purekar, Learned Advocate for ██████, who has represented his clients' interests well, and to the best of his ability has treated Purvi with dignity and grace during the hearings.

11. With their assistance we have examined the material on record. By consent of the parties, we heard both the interim applications together, since they were both placed in diametrically opposite directions on an assessment of the very same issues and facts.

12. It is evident that the maintenance claimed during the Family Court proceedings entailed a claim for maintenance by ██████ under the Hindu Adoption and Maintenance Act, 1956 ("**HAMA**"). In the final disposal, rejecting that maintenance was payable under the HAMA, the Learned Family Court granted the divorce to Mukesh and provided for continuing the same interim maintenance of Rs. 50,000 per month, but

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now under the Hindu Marriage Act, 1955 (“*HMA*”).

13. At the very outset, we make it clear that all observations made in this judgement are *prima facie* in nature as are the conclusions drawn on a *prima facie* basis, based on how the material on record speaks to the credibility of the contentions presented by the parties. The cross-appeals would be heard in due course, but the core issue is what appropriate arrangement, if any, would be dispositive of the captioned interim applications filed by the respective parties.

14. We have given our anxious consideration as to whether the Learned Family Court has, *prima facie*, had regard to the well-known principles of law governing the grant of alimony and whether it has factored in the evident lifestyles of the respective parties to see if the alimony is commensurate with what would be appropriate to fend for the maintenance of a wife who has invested 16 years of her prime life to her matrimonial family.

15. Each party presented a compilation of documents and relied on them for their respective contentions – the need to enhance the maintenance as an interim measure, canvassed by ██████████ and the need

to do away with any payment whatsoever as an interim measure canvassed by [REDACTED]. These compilations were taken on record and were examined with their assistance.

**Assessment of Marital Standard of Living:**

16. The [REDACTED] is an integral member, is indeed extremely well endowed. They have business interests ranging from real estate development to financial services. The [REDACTED] (they are also [REDACTED] – in fact, one of their firms, [REDACTED], is a short form for [REDACTED]) is a business family that owns and runs composite family businesses presided over by [REDACTED] [REDACTED] Mukesh and his siblings, [REDACTED] and [REDACTED] along with [REDACTED] run the family business as one unit, through a web of partnership firms, and bodies corporate including limited liability partnerships and companies, with [REDACTED] holding himself out as the “torchbearer” of these businesses.

17. What is writ large from the material on record is that like with any Indian marriage, while [REDACTED] married [REDACTED] she married into [REDACTED]’s family. For purposes of appreciating the standard of living during the matrimonial life, the lifestyle and basic comforts to which she

was entitled for the 16 years of matrimony, were of the standards available to her as ██████'s wife, as indeed ██████, and sister-in-law of ██████ and ██████

18. In family businesses, particularly in India, business operations are run by the male family members working as a collective unit to reap benefits from their professional activity. In this endeavour, their personal lives are supported and underwritten by their spouses, who may marginally get some role like a hobby rather than as a professional employment in these businesses. It is the benefits enjoyed in the course of running of such businesses by such male family members that fund their social and family lives and lifestyles. Therefore, when considering the financial capacity of such a male family member and indeed, the standard of living and personal dignity that such family member's spouse would get over a decade and a half of married life, it must be remembered that what makes it to the personal income-tax returns of the specific family member as "taxable income" is not the sole determinant of what is earned and enjoyed by such family member.

19. The allocation of income, profitability and net worth among the constituents of a family is a measure that families can entirely arrange,

manage and contrive. Therefore, when one examines cases where a party to a divorce litigation is a male member of a family running a composite family business, the approach has to also factor in the aforesaid facet, in sharp distinction to the approach in divorce cases involving, say, an employed professional whose day job would fund or part-fund the married couple's lifestyle, standard of living and social standing.

20. Spouses, in particular housewives, who marry a constituent of a family, marry into the family. When that family runs a family business, the intricately and inextricably interwoven nature of the husband's financial interests with the wider interests of the family cannot be lost sight of. Courts would need to look at the *de facto* position as to how a husband was financing his lifestyle during marriage and juxtapose that with how he is financing his lifestyle after marriage, and then draw inferences. A blinkered focus on the seemingly *de jure* position by looking only at such assets as the family has chosen to officially leave in the hands of the husband's Income Tax balance sheet, or just the component of the family income that the family has chosen to attribute to such family member, would be quite inappropriate, misleading and unjust.

**Unclean Hands and Lack of Credibility:**

21. Bearing that perspective in mind, we are unable to find much credibility in ██████'s attempt to bring the focus of this Court solely to his Income Tax Returns and the assets claimed to be under his direct ownership. The contention that material assets are co-owned with other members of the family pales in relevance when it comes to such assets being indicative of his wealth and the enjoyment of wealth that his spouse would have had over 16 years of marriage. When looking at the social and family life of a litigating party who is seeking to be relieved of his obligation to pay any maintenance whatsoever pending hearing and final disposal of appeal proceedings, it would not be appropriate to ignore other attendant circumstances that speak to his social standing, standard of living, and ability to pay for his lifestyle.

22. A bare reading of ██████'s pleadings would suggest that he lives a life of penury and a hand-to-mouth existence, being unable to afford paying even a bare sum of Rs. 50,000 per month. Such pleadings on oath, erode the credibility of his contentions. By pointing to his Income Tax Returns to show taxable income of just Rs. 6 lakhs annually, Mukesh would have the Court believe that his expenses and lifestyle are financed by a sum of just Rs. 50,000 per month, leaving him with

nothing to pay █████ under the Impugned Judgement. On the facet of it, the import is farcical.

23. █████'s pleadings are also laced with a deep sense of entitlement and transactional character, rather than adopting the approach of reasonably discharging the responsibility of a husband to pay maintenance to a wife he seeks to divorce, in accordance with the law. That █████ claims a set-off of monies purported to be owed to him by █████'s uncle against the maintenance that he is dutybound by law to pay to █████ upon divorce, is indicative of this sense of entitlement and transactional approach. That apart, █████ has evidently been defaulting in payment of even interim maintenance amounts, necessitating execution proceedings. Yet, the claim that he has paid an aggregate sum of Rs. 21.65 lakhs during the course of the litigation, indicating that he has paid enough and needs to pay nothing more, reeks of the sense of entitlement and determination not to pay a rupee to a wife of 16 years, only because she chose to leave the matrimonial home when they got estranged in 2013.

24. We are unable to find much force in █████'s submissions about the need to relieve him of the very basic and low-end liability of paying

Rs. 50,000 per month, as directed by the Learned Family Court. As would be seen later in this judgement, [REDACTED] is a man of considerable means, and therefore his submissions on oath that he is leading a hand-to-mouth existence, not only erodes his credibility, but also underlines the fact that he has not come clean on important factual aspects of what needs consideration in these two Interim Applications. If [REDACTED]'s contentions were right, it would be a miracle that he has survived, quite apart from having financially supported his son and brought him up (the son lives with [REDACTED]). It would be an even bigger miracle that he would have ever had the means to lend [REDACTED]'s uncle a loan of Rs. 50 lakhs. As regards financing the son, [REDACTED] would contend that merely because his family may support him and his son, it does not indicate his own ability to pay [REDACTED] and his daughter (who lives with [REDACTED]) for their maintenance.

25. Countering [REDACTED]'s submissions, [REDACTED] would bring to bear, simply from publicly available information and the material already forming part of the record, clear analysis to demonstrate how [REDACTED] is a man of considerable means, given his lavish lifestyle, throwing mega parties, and his home even being featured in architectural magazines for its grandeur and luxury. [REDACTED] has always contended that despite the

Learned Family Court having indicated that it would draw an adverse inference about either party not coming clean with full disclosure, the Impugned Judgement erroneously has granted maintenance of a mere Rs. 50,000 per month.

26. [REDACTED] has brought up her daughter all by herself since 2013 and her son too for some time. At the time of filing the [REDACTED] IA, the daughter was about 19 years of age. [REDACTED] would contend that she has had to struggle financially and work very hard to bring up her daughter, having to depend on the resources and kindness of her brother and his family, when what is legitimately owed to her has been denied by the Learned Family Court. Even what is awarded to her is not being paid, with [REDACTED] forcing her to run from pillar to post, running up arrears.

27. The material brought to bear by [REDACTED] would indicate that the [REDACTED] Family's construction business claims in the public domain, to be sitting on a land bank, that even at ready reckoner rates maintained by Stamp Duty authorities, would be valued at over Rs. 1,083 crores. The broad assessment is quite convincing, going by the [REDACTED] Group's own claims on its website and the assessment of such land resources at the basic ready reckoner rates.



30. The couple's son, who lives with [REDACTED], has been educated abroad. To explain this expenditure, [REDACTED] has sought to contend that all expenses of his son's education were borne by [REDACTED]'s brother Nilesh. He would also point to an education loan that he has taken for his son's education, which requires him to pay a hefty equated monthly instalment (“*EMI*”) to the Bank. However, analysis of the bank accounts forming part of the record would show that outflows from [REDACTED] to his brother [REDACTED] between September 2018 and July 2023 would add up to over Rs. 10 crores – hardly the picture of a man having to borrow from a [REDACTED], a younger sibling, just to fund his son's education.

31. The matrimonial home, which was a penthouse in which the couple lived, is claimed to have been sold, but the material on record indicates that such sale was a few days after the Impugned Judgement was passed. Yet, in the filings and pleadings in courts after the Impugned Judgement was passed, this address continues to be shown as the residential address of [REDACTED]

**Businesses under the Command of the “Torchbearer”:**

32. That apart, in the official website of the [REDACTED] Group, the father [REDACTED] is described as the “*proud patriarch*” of the [REDACTED] Group while

██████████ is depicted as the “torchbearer” of ██████████ ██████████’s own description on the official website is that “*he has extensively invested his attention in the real estate and construction business under the aegis of ██████████, ██████████ and many more*”. It is stated that “*██████████’s land acquisition and legal acumen has added tremendous growth to the group taking it to the next level*”. There is no manner of doubt that when one compares this self-description to the world at large with the self-description in affirmations sworn on oath to this Court, ██████████ has come to Court with unclean hands.

33. The ██████████ Group’s website proudly claims that ██████████ (the enterprise that Mukesh has invested his attention in) is the flagship company of the group, through which many elite realty projects have been executed including ██████████ which constructed row houses in Pune. The website also points to a partnership firm called ██████████ Associates owned by ██████████ and his brothers ██████████ and ██████████. The total area developed by this firm alone is said to be around half a million square feet. The ██████████ is adding a new township of 550 residential flats near the Pune airport to its “*continuously expanding list*” of projects.

34. [REDACTED] has sought to aggregate the total acreage of the land listed in the [REDACTED] Group's website to arrive at a base computation of value, on the basis of the ready reckoner rates published by the Stamp Duty authorities (which is judicially known to be lower than market value) to assess the total value at over Rs. 1,083 crores. Being the torchbearer of the patriarch presiding over this group, the [REDACTED] IA sounds resoundingly false in the sworn statements of having no means, and clearly demonstrates and underlines the dishonesty in the pleadings filed by [REDACTED] in Court.

35. The [REDACTED] also has stated publicly that its financial services business is carried out through a company called [REDACTED] [REDACTED] managing portfolios of clients, with the assets under management of over Rs. 100 crores. It is noteworthy that this too is presided over by [REDACTED], the proclaimed torchbearer of [REDACTED] the [REDACTED] patriarch. The [REDACTED] also claims on its website that a stock broking company called Pune [REDACTED] forms part of their group portfolio and as a member of multiple stock exchanges, it runs a full spectrum of financial services that any equity investor would need.

**Prima Facie Contrivances and Devices:**

36. From the material brought on record by ██████ including bank transfers from the multiple accounts of ██████ and from publicly known ownership patterns, she has also been able to make a strong *prima facie* case of a pattern of transfer of interests from ██████ to ██████. She would point to ██████ too being involved in divorce proceedings, thereby indicating that ██████ appears to be the trusted receptacle of ownership interests of the family, when proportionate interests of ██████ are to be diluted with a view to suppress the depiction of their asset ownership interest to Courts. There is considerable force in this assertion – for example, ██████ ownership in ██████ came down from 20% in 2019 to 5% in 2020. ██████ interests came down from 15% to 5%. ██████ interests shots up from 15% to 40%. Another example is of ██████ ██████ which was said to be the flagship and the focus of ██████ attention – the interests of ██████ came down from 27.04% and 47.70% respectively (in 2018) to 5% each, while ██████ share shot up to 85% (by 2019).

37. Curiously, ██████, despite being the torchbearer of the patriarch of the ██████, has claimed on oath that his income is so low that he

had to depend on his brother [REDACTED] to fund his own son's education abroad. He would point to his annual taxable income in his Income Tax Returns being just Rs. 6 lakhs. It is noteworthy that in divorce proceedings that [REDACTED] is engaged in, in the disclosure of assets filed by [REDACTED] in terms of [REDACTED], Kishore would affirm on oath that one of the "third parties" who is providing financial support for the education of [REDACTED]. Indeed, [REDACTED] would name, [REDACTED] too as such third parties, but it stands to reason that [REDACTED]'s claims of penury and having to depend for his own son's education on [REDACTED], rings hollow. It would also point to what is stated earlier in this judgement about business families being one unit in personal as well as professional lives, which has to be factored in by Courts. The cynicism with which Courts are approached for their perceived absence of financial literacy is writ large in the material on record.

38. In fact, what an overview of the facts would show is that each family member shows dependence on the other and they arrange and re-arrange their affairs to best preserve and conserve family assets within themselves enabling them to depict to Courts, a diminished picture of their financial strength solely for purposes of defending

proceedings to pay maintenance.

**Contemporaneous Circumstantial Evidence:**

39. We have also examined the material on record to see the contemporaneous evidence of ██████'s standard of living and lifestyle. This is necessary to get a *prima facie* sense of the matrimonial standard of living that can be reasonably inferred, and also to see if there is any element of truth in the stance adopted by ██████ on oath before this Court, about his finances. The standard of proof for such exercise is the civil standard of preponderance of probability.

40. It can be seen that ██████ has been partying, trekking and holidaying during the period of litigation in a manner that would firmly undermine his claims of earning a mere Rs. 6 lakhs per annum (Rs. 50,000 per month). It is an admitted position that during the marriage, he was a globe-trotter travelling to various international locations including Macau, that is world-famous for its high-end casinos labelled as the "Las Vegas of China". It is well known that a businessman's family expenses and lifestyle need not be funded by his "income" – it may in fact, constitute the *expenditure* of the businesses. For example, enjoyment of a party or a trip to Macau, could simply be an expense

charged to the business. The money he spends need not have to come into his hands as “*income*” in order to flow out towards an “*expense*”. This financial power that pays for a married couple’s standard of living would get totally ignored if one looked merely at tax returns that are structured to depict the minimal possible income being offered to tax.

41. On May 24, 2024, ██████████ and his son jointly celebrated their 51<sup>st</sup> and 24<sup>th</sup> birthdays. The photographs from this party would point to free-flowing alcohol and a throbbing party. Both are seen sporting *Kenzo* t-shirts. Even a bare look at the price of a *Kenzo* T-shirt from public information would indicate that a man claiming to earn just about Rs. 50,000 per month and thereby being unable to afford to pay his wife Rs. 50,000 per month would ill-afford a top luxury clothing brand – a simple crew neck t-shirt could cost upwards of Rs. 15,000 per piece. We must hasten to add that to our minds, there is nothing to be judgemental or inappropriate about throwing a milestone birthday party with free-flowing alcohol, or the donning of expensive top of the line luxury brand T-shirts at the party. What does not appeal to us in forming our judgement, is the act of contemporaneously lying on oath about being a man of no means, earning just Rs. 6 lakhs per annum (about Rs. 50,000 per month) and asking for a low-end maintenance

awarded by the Learned Family Court of a mere Rs. 50,000 per month for a wife divorced after 16 years of cohabitation, to be stayed pending hearing of the appeals.

**Expenses for Maintenance:**

42. This brings us to the expenses that have had to be incurred by [REDACTED] not just on herself but also on her daughter, whose parenting has been and is [REDACTED] responsibility. [REDACTED] has not paid for the educational expenses of the daughter unlike paying for his son (of course claiming that he needed to take an educational loan and brotherly funding from Nilesh, even for this). The daughter has been entirely brought up by [REDACTED] right from the time she was around 9 years old when she left the matrimonial home, with no support from [REDACTED]. The only flow of cash into her hands with arrears being run up was the interim maintenance of Rs. 50,000 per month. While it is apparent that [REDACTED] has indeed had to depend on her own brother and family in the process, what is *prima facie* very clear is that she has had to compromise on her right to lead the same quality of life and standard of living commensurate with the matrimonial standard of 16 years of marriage.

43. This is not a case of a short marriage being followed by

unreasonable demands at divorce – *prima facie*, the legitimacy of [REDACTED] expectations for a fair and reasonable maintenance can simply not be undermined.

44. The material brought on record by [REDACTED] has a meticulous comparison of the assets seen in the Income Tax Returns of [REDACTED] which do not find mention in the affidavit disclosing assets filed by [REDACTED] before the Learned Family Court. Therefore, there is a strong *prima facie* case that the scale and nature of the lifestyle and real size of assets and resources at [REDACTED]'s command, have completely missed the Learned Family Court's attention. Even the purported adverse inference that the Learned Family Court said it would draw, is evidently limited by the Learned Family Court's own perception of what is necessary for maintenance of a divorcee and daughter after a 16-year marriage in a household of the means described above. Therefore, in our opinion, a strong *prima facie* case in [REDACTED]'s favour as regards the scale of maintenance that ought to be paid, and the niggardly maintenance awarded to her, has been made out.

45. From the material brought on record, what is writ large is the fact that the multiple partnership firms, bodies corporate and the four male

members of the █████ Family operate as one inextricable, interwoven and integrated set of associated enterprises and related parties. The standard of living and expenses of the male members and their respective spouses in the █████ Family are funded by such closely knit and powerfully inter-connected finances. The standard of living of any spouse such as █████ of a male member of such family, as the one █████ is a torchbearer of, cannot ignore the wider network power of the inter-connected finances. The Court ought not to focus solely on a contrived or devised under-reported financial position that the male members choose to present in his Income Tax Returns and in divorce proceedings. Even by law, the financial statements of a person are not to be equated with the tax statements of that person. The financial balance sheet and the tax balance sheet are distinct and different. It is a trite feature of beneficial and welfare legislation that the statutory rights and protections that are made available by law must be purposively construed and if more than one approach is possible, the approach that furthers the remedy and provision of welfare, and suppresses the mischief must be adopted.

46. Therefore, by all counts, we are of the view that the maintenance amount awarded to █████ by the Learned Family Court is not at all a

well-informed one. The considerable financial strength that informed the standard of living for 16 years has completely missed the attention of the Learned Family Court – in large part because of ██████ not having made a complete and truthful disclosure of the real sweep and scale of the financial interests, and instead presenting a dishonest picture asking to be relieved even of a low-end maintenance that has been awarded.

47. To cite just an example, ██████ has compared assets and bank accounts set out in the disclosure affidavit of ██████ with the asset and bank accounts seen in the Income Tax Returns. This has been discussed above. That apart, as a matter of law, a partnership firm and its partners do not have separate and independent existence unlike a body corporate and its shareholders. The strength of the partnership firms where ██████ has been a partner at all times material to these proceedings, and tax returns of such firms have missed attention of the Learned Family Court. It is important to examine the full picture in its entirety to bring about a realistic estimation of maintenance amount to be awarded, and this has been undermined by the shortcomings and lacunae in ██████'s filings, by not coming to Court with clean hands.

**Mukesh's Counter-contentions:**

48. Quite apart from ██████'s prayers for reducing the maintenance

to NIL, pending hearing and disposal of the cross appeals, it is important to deal with [REDACTED]'s contentions on why [REDACTED] should not be entitled to enhanced maintenance at Rs. 5 lakh per month. [REDACTED] prime ground towards this end is that [REDACTED] is engaged in a business called [REDACTED] which is run from her brother [REDACTED]. Mukesh contends that [REDACTED] is running a business of landscaping, beautification, plantation and maintenance called [REDACTED]. By [REDACTED]'s own claims, these two businesses and [REDACTED] work as a private tutor to children, would fetch her over Rs. 1 lakh per month. He would go a step further and claim that [REDACTED] earned substantial sums during her married life from gardening and landscaping, and therefore, she ought to fend for herself and make efforts to earn and not be expected to be maintained by [REDACTED]

49. The aforesaid objection has to be stated to be rejected. To make his assertions about [REDACTED] purported business interests, [REDACTED] brings nothing bear other than a trademark registration of [REDACTED]. This is how he claims that it is a business run from [REDACTED] brother's shop. It is also evident that as [REDACTED] wife, she was given some role in landscaping work for [REDACTED] real estate projects (and not with the world at large), but there is nothing to bring to bear a real professional

engagement of [REDACTED] even by the [REDACTED] on an arms' length basis, giving a steady stream of professional income to [REDACTED] a female member of the [REDACTED]. In fact, even assuming the [REDACTED] paid her a sizeable professional income, it would stand to reason she was getting this opportunity primarily for having been [REDACTED] wife. Upon divorce, this would evidently come to an end.

50. For her part, [REDACTED] would explain that indeed a brand called [REDACTED] was registered but no material business worth the name could or has been transacted. [REDACTED] written submissions are peppered heavily with references to [REDACTED] and [REDACTED]. Be that as it may, we are of the view that even by [REDACTED] own showing such business would hardly be a material source of income, if despite all such work, [REDACTED] also has to work as a private tutor to make ends meet to earn just about Rs. 1 lakh per month.

51. With [REDACTED] resources it would not have been difficult to have [REDACTED] lifestyle investigated to bring to bear far more believable input about her purported income. We would think [REDACTED], with best efforts, has not been able to come up with anything better than a trademark registration. Worse, from [REDACTED] own claims of [REDACTED] running two

businesses and working as a home tutor, it is evident that he himself admits that to barely earn Rs. 1 lakh per month (as claimed by him), [REDACTED] would need to run three jobs to make ends meet. The evidence before the Family Court indicates a statement by the son that private tuitions earned her about Rs. 45,000 per month, but to our mind, this does not turn the needle in [REDACTED] favour. If a divorced wife needs three jobs to end up making her income add up to Rs. 1 lakh per month, after 16 years of a high standard of living as [REDACTED] wife and a member of the [REDACTED], [REDACTED] own submissions would necessitate holding that [REDACTED] is struggling hard to maintain a decent life for her daughter, which ought to be a shared responsibility of a father. It is true that for a divorced wife to ensure her daughter gets a basically acceptable standard education and life, she may need to undertake multiple jobs to earn just Rs. 1 lakh per month.

52. Worse, Mukesh would use the hard efforts of [REDACTED] to give her daughter a decent upbringing, as the reason not to support them. It is claimed by [REDACTED] that *“a woman separated from her husband claiming to have no source of income would not even think of incurring expenses of a yoga trainer, fitness trainer, baking classes, violin classes etc. for her daughter”*. We are afraid we are unable to appreciate this

line of argument not just for its patriarchal tenor. The contention is that a woman divorced from her husband should curtail what her daughter should get but a woman choosing not to leave her husband can expect more. That a mother dares to work hard and even claim to depend on her own brother to give the daughter (who is as much [REDACTED] offspring) a decent life, cannot be a disqualification for expecting that the daughter's expenses for a decent standard of living be met by the father, commensurate with his own standard of living and more importantly, the parents' joint standard of living when the marriage had lasted.

53. Dealing with [REDACTED] listed monthly expenses of Rs. 1,07,000, [REDACTED], who adorns *Kenzo* T-shirts, would allege that these are “*exorbitant amounts*” being spent by her. According to him, household expenses of Rs. 55,000 per month and miscellaneous expenses of Rs. 40,000 per month is exorbitant once she is separated from him. [REDACTED] as a father, also finds fault with the expenses for the daughter being pegged at Rs. 6.25 lakh per annum. Himself a trekker, he would fault his daughter who also treks, spending about Rs. 8,000 per month on fitness training and yoga; Rs. 7,000 per month on violin classes; and Rs. 3,000 per month on cooking and baking classes. Repeatedly calling

these exorbitant, in our opinion, and that too by a person of [REDACTED] lifestyle, materially undermines [REDACTED] credibility and emphasises a mean and vindictive approach to the welfare of his own daughter for no reason other than the fact that she is parented by [REDACTED]

54. Other objections from [REDACTED] also are *prima facie* found to be without adequate merit, to make a dent on [REDACTED] plea for a realistic interim maintenance. For example, he submits that [REDACTED] has suppressed her demat and securities trading account with Zerodha Broking, even while indicating that her own disclosures point to some odd transactions in securities. [REDACTED] would counter the references in an architectural magazine to his luxury home by pleading that it is not owned by him, but that it is a house belonging to his mother.

55. All of these together underline our approach articulated above in making a reasonable assessment of the standard of living of the married couple for an empirical indication of what a reasonable maintenance standard should be.

56. [REDACTED] would take credit for having paid insurance premium on insurance policies that also cover [REDACTED] and the daughter. He admits

that he paid the premiums only until 2016 and did not pay thereafter, but now undertakes that he could reimburse ██████ for it. Of course, he would claim in the same breath that when the policy matures, he should get the amount. Such payment of premiums would hardly matter when one is considering a case for maintenance payable to a divorced wife by a man of such sizeable means as ██████. We are not swayed by just the fact that ██████ can afford to pay, but we are indeed convinced, applying well-known principles declared by Courts in maintenance law, including in *Rajnish vs. Neha*, that ██████ divorced wife is entitled to maintain a standard of living similar to the one she enjoyed during matrimony. We are conscious that the interim applications deal with interim maintenance pending a final hearing on the appeals.

57. ██████ has invoked the need to service an educational loan he has taken for funding his son's education (apart from claiming that he depends on ██████ to contribute to the son's education). He would claim that the educational loan has an EMI of Rs. 1,06,235, which clearly undermines his reliance on his Income Tax Returns to indicate that he only earns just over Rs. 50,000 per month (Rs. 6 lakhs in a year). One would wonder how he would pay the EMI with such a low income. One may avail of an educational loan even if one is not in dire

need of the loan. One may avail of such loans to project the liability too. Going by the financial means at the command of [REDACTED], the reliance on the educational loan does not matter to our judgement of his false claim of leading a hand-to-mouth existence.

58. Other contentions of [REDACTED] are about justifying the shifting degrees of ownership among the [REDACTED] siblings stating that they are backed by underlying business considerations. Suffice it to say, even if such shifting of ownership stakes is fully paid for among the siblings on an arms' length basis, [REDACTED] would need to be in command of seriously material wealth, which would belie his claims of relative penury.

59. Responding to [REDACTED] statement on oath that he, among others, depends on [REDACTED] for the financial needs of [REDACTED] own children's education, [REDACTED] would underline the very logic that appeals to us. [REDACTED] would contend that "*an inference must be made that it is the family who is financially assisting with the education of the children*". This is precisely why the amounts needed for leading a standard of living by such a family's male member, needs to be assessed as being commensurate with the assessment of a reasonable maintenance for a

spouse of such male member for 16 years. This precise reasoning is what has resonated with us for the reasons articulated above.

60. We are equally taken aback with [REDACTED] invoking a claim of a set-off for a loan purportedly given to [REDACTED] uncle and claiming that interest due to him on that count should be set off against his wife's maintenance. A marriage and the payment of maintenance at divorce is not a lending and borrowing transaction for such an approach to be adopted. To claim a set-off on amounts purportedly owed to [REDACTED] by an uncle of [REDACTED] also does not make sense in view of the families of [REDACTED] being distantly related. If a loan taken by [REDACTED] uncle can inform the maintenance payable to [REDACTED] the shared resources of [REDACTED] and his brothers and father would be even more relevant.

61. [REDACTED] would submit that the loan on which [REDACTED] seeks to leverage his obligation to maintain his divorced wife is a loan given to the offspring of a sibling of [REDACTED] paternal grandfather. Even while all this can be examined in the final hearing, in our opinion, there can never be a set-off on loans given by the husband to an uncle of a divorced wife, with the maintenance dues payable by the husband to the divorced wife.

**Reasonable Assessment of Maintenance:**

62. We have to now apply our mind to what is a reasonable amount of maintenance that ought to be paid. We have examined the expenses projected by [REDACTED]. To our mind, these are not prohibitive or exorbitant at all. On the contrary, going by the standard of living that a child of [REDACTED] should reasonably expect to have, we find [REDACTED] estimation frugal and reasonable. The amounts indicated by her would typically fall in the ambit of a frugal professional middle class mother.

63. [REDACTED] is entitled to lead a life of dignity and provide her daughter a life of dignity, and is entitled to a maintenance amount that is commensurate with such entitlement. The Learned Family Court has not granted anything separately in respect of the daughter. In our opinion, a sum of Rs. 50,000 per month is hardly a reasonable and logical quantum of maintenance.

64. The plethora of case law cited need not be dealt with in acute detail, inasmuch as what falls for our consideration is the appropriate interim measure in the form of maintenance that appeals to a reasonable exercise of discretion, which is always informed by the specific facts and circumstances of the case before the Court. Such

exercise of discretion is always a matter of appreciation of the facts of the case. Bearing in mind the strength of the *prima facie* case in ██████ favour, in this case, grave and irreparable harm would continue to be occasioned on ██████ if a reasonable assessment is not made. We find that there would be no inconvenience to ██████ by paying a slightly larger sum of small change towards the maintenance amounts claimed by ██████

█████ In that view of the matter, we have to consider an appropriate interim measure pending disposal of the cross appeals. The Impugned Judgement was passed two years ago after prolonged trial proceedings. The two cross appeals would take considerable time to be heard and disposed of. Meanwhile, it is totally unfair and unjust for the divorced wife to have been given a maintenance amount that is not at all commensurate with the expenses that have to be incurred by the mother of a girl who would just be stepping into a potential professional education in order to stand on her own feet. ██████ has already been at the receiving end of ██████, who is evidently a man of strong financial means, and yet letting the maintenance payment fall in arrears.

66. Bearing in mind the objective of welfare of a divorced wife that

underlies the duty to pay maintenance under the HMA, we are of the considered opinion that even assuming the findings on merits by the Learned Family Court for the grant of divorce are entirely correct, the maintenance awarded is simply paltry and not commensurate at all with the principles laid down by the Supreme Court, particularly in ***Rajnish vs. Neha***.

**HAMA vs HMA:**

67. Before we conclude, we have to state that at this stage, *prima facie*, we are unimpressed by the contention that while the application before the Learned Family Court had been made invoking HAMA, the Impugned Judgement grants maintenance under the HMA, without a specific application being made invoking the HMA. While this point of law would be considered at the stage of final hearing, one cannot lose sight of the object and purpose of the legislation involved. The HMA requires an application for maintenance to be made. Purvi did so. She may have sought it under HAMA but that does not mean she made no application for maintenance. The Learned Family Court was *prima facie* fully entitled to convert the interim maintenance that was being paid under HAMA into maintenance under HMA.

68. *Prima facie*, it is open to the Learned Family Court to treat the application for maintenance as an application made in the context of the divorce proceedings and grant maintenance in the context of granting divorce. To make the argument about the incorrect legislation having been invoked in the application and to contend that ██████ ought to have been non-suited for purposes of maintenance under the HMA is to adopt an approach akin to making contentions under a fiscal statute and not under a welfare legislation.

**Directions and Order:**

69. Considering all the facts involved, including ██████'s approach to Court with unclean hands; the scale of expenses he indicates were incurred on the family during the 16-year married life; the expenses projected by ██████ the enhanced amount indicated in the claim; also factoring in that ██████ has been working hard as a private tutor to make ends meet; factoring in inflation; and also discounting the fact that the daughter is of the age of majority and yet would need significant resources to get a good professional education which could soon make her independent financially too, in our opinion, it would be appropriate that ██████ is given further maintenance in a further sum of Rs.3 lakhs per month, over and above the maintenance of Rs. 50,000 per month

granted in the Impugned Judgement.

70. In other words, Purvi shall be entitled to an aggregate monthly maintenance in the sum of Rs. 3,50,000 per month. The Impugned Order shall stand, as an interim measure, modified to this extent, during the pendency of the cross appeals, and be capable of execution for such enhanced amount.

71. Taking into account the history of arrears being built up by ██████ despite being able to afford it, we direct that maintenance at the rate of Rs. 3,50,000 per month for the next twelve calendar months starting from November 1, 2025, shall be remitted to ██████ within four weeks of uploading this judgement on this Court's website.

72. Therefore, to summarise, in our opinion:-

a. ██████ has not come to Court with clean hands. There is not only material suppression of his financial strength to undermine the application of legal principles for considering the quantum of maintenance, there are also positive misstatements in his claims to be a person of poor means unable to pay even the low maintenance originally granted on interim basis and

converted into the final permanent alimony;

b. [REDACTED] has made out a strong *prima facie* case that the maintenance awarded to her is minuscule and not commensurate with reasonable living and parenting expenses that any reasonable person in her position would need;

c. The marriage of [REDACTED] having lasted 16 years with the prime of life having been invested in the marriage is an important factor that has not been taken into consideration by the Learned Family Court when assessing the permanent alimony, and that needs to be corrected;

d. [REDACTED] is hereby granted interim maintenance of Rs. 3,50,000 per month. A sum of Rs. 42,00,000 towards the 12 months starting November 1, 2025 shall be deposited by [REDACTED] into [REDACTED] account within four weeks of the upload of this judgement on the Court's website . The bank Account details are as follows:

[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

