



***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
FAMILY COURT APPEAL NO.38 OF 2026  
WITH  
INTERIM APPLICATION NO.2963 OF 2026  
IN  
FAMILY COURT APPEAL NO.38 OF 2026***



Versus



...Appellant/Applicant

...Respondent

Mr. Ashwin Pimpale for the Appellant/Applicant-Husband

Ms. Amtuzehra Chimthanawala for the Respondent-Wife.

***CORAM: BHARATI DANGRE &  
ASHISH S. CHAVAN, JJ.***

***DATE : 28<sup>th</sup> AUGUST 2026***

***P.C. :***

1. The appeal filed by the husband raises a limited challenge to the directions issued in the impugned judgment passed by the learned Principal Judge, Family Court, Pune on 31<sup>st</sup> October 2025, directing the appellant to pay permanent alimony of Rs.10,00,000/- to the wife and Rs.10,000/- per month towards maintenance of the child from the date of filing of the petition till further orders.

The appellant does not wish to challenge the direction contained in clause (b) of the impugned judgment, namely, the

dissolution of the marriage solemnized between the parties on 11<sup>th</sup> July 2016 at Pune, with effect from the date of the decree.

2. We have heard the learned counsel for the appellant-husband as well as the learned counsel representing the respondent-wife. It is pertinent to note that, in the proceedings filed by the husband seeking dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955, the learned Judge, Family Court, formulated two issues viz. (i) whether the petitioner proved that respondent has treated her with cruelty as contemplated under Section 13(1)(ia) of the Hindu Marriage Act, 1955 and (ii) whether the petitioner has fulfilled condition under Section 23(1) of the Hindu Marriage Act, 1955. Both the issues came to be answered in the affirmative.

In arriving at this conclusion, the evidence tendered by the petitioner (PW1) was taken into consideration. However, the judgment specifically records that, though the respondent was well aware about the allegations leveled against her, she failed to defend the case as per

the rights available to her and a reference is also made to a notice sent by the respondent wherein she sought separation, mediation and parental custody. Considering that the respondent had not bothered to defend herself, an inference was drawn that she had admitted the allegations and that both the parties are not willing to continue the relationship.

Undisputedly, the wife has not raised a challenge to the decree of divorce.

3. As far as the grant of permanent alimony is concerned, without considering any evidence, the learned Judge, Family Court, proceeded on the assumption that the petitioner's income, he being a skilled and qualified person, must be Rs.1,00,000/- per month and based on this, permanent alimony of Rs.10,00,000/- was granted to the wife, along with payment of maintenance of Rs.10,000/- per month towards the minor daughter, till further order is passed.

Paragraph 17 of the impugned judgment records thus:-

“17. The child can be said as sufferer of this dispute without any fault. The child is of tendered age.

The child is in custody of respondent since birth. The petitioner has mentioned the occupation of respondent as "home-maker". The petitioner has admitted his occupation as "service". He has admitted that he was working in Germany. Now, he is shifted to India. It appears that petitioner is skilled and qualified person. The parties cohabited for more than 7 years. In such situation, petitioner is bound to make provision for permanent alimony of respondent and monthly maintenance of child. The petitioner was bound to disclose his financial condition. In absence of details, it can be assumed that petitioner's net income must be Rs.1,00,000/-per month. Considering this aspect, this Court is of opinion that permanent alimony of Rupees Ten Lakhs to respondent and Rs.10,000/-per month to minor daughter towards monthly maintenance from the date of filing of petition till further order, will be sufficient to meet the ends of justice. Hence, I answer point nos. 1 to 3 accordingly.”

4. On hearing the counsel for the parties and on perusal of the impugned judgment, we are satisfied that the contest raised by the appellant is only to the direction of permanent alimony and the maintainence. We indicated to the learned counel for the appellant that, though we deem it appropriate to remand the matter back to the learned Judge, Family Court, Pune, for determination of the amount of permanent alimony as well as the amount of maintenance to be paid to

the daughter, which would necessarily have to be commensurate with the earnings of the appellant and since the learned Judge has merely carried out a guess work without any evidence produced on record as to what is the earning of the husband and what is the need of the wife, we permit the respondent-wife to file her affidavit before the Family Court, upon the proceedings being remanded and we expect the learned Judge, Family Court to determine the amount of permanent alimony by drawing a Statement of the earnings of the husband and the needs of the wife, and by permitting both the parties to adduce appropriate evidence, after taking on record the Statements of Assets and Liabilities of both the parties.

However, while remanding the matter, we direct the Family Court to decide the said proceedings as regards the maintenance/permanent alimony payable to the wife, within a period of six months from today. However, till that time the appellant shall continue to make the payment of Rs.10,000/- per month towards maintenance of the daughter and subject to the outcome of the proceedings before the Family Court, this amount shall be liable to

any adjustment, if necessary, in future.

For the purpose of enabling the appellant to deposit the amount of maintenance payable towards the daughter as per the impugned judgment on a provisional basis, we direct the wife to open an account in India and furnish the details thereof to the appellant, so that the monthly deposits may be made in the said account.

The Family Court Appeal stands disposed of.

Interim Application No.2963 of 2026 shall also stand disposed of.

***ASHISH S. CHAVAN, J.***

***BHARATI DANGRE, J.***