



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

S.B. Criminal Misc(Pet.) No. 1899/2021

1. Usha @ Bhawika W/o Manoj Adwani, Aged About 41 Years, By Caste Sindhi, At Present R/o Aswani Villa, 17E/795, Chopasni Housing Board, Jodhpur (Raj.).
2. Nishat S/o Manoj Adwani, Aged About 17 Years, Minor Through Natural Guardian, Petitioner No.1.
3. Manav S/o Manoj Adwani, Aged About 15 Years, Minor Through Natural Guardian, Petitioner No.1.

----Petitioners

Versus

Manoj Adwani S/o Vasudev Adwani, Aged About 42 Years, By Caste Sindhi, R/o 5 Kha 9, Nahari Naka, Shastri Nagar, Jaipur (Raj.).

----Respondent

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For Petitioner(s) : Mr. Vipul Singhvi on VC  
For Respondent(s) : Mr. Mukesh Trivedi, PP  
Ms. Meena Sharma, on VC

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**

**Order**

**13/08/2021**

In wake of second surge in the COVID-19 cases, abundant caution is being maintained, while hearing the matters in Court, for the safety of all concerned.

The petitioners have preferred the present misc. petition claiming the following relief:-

"(a). The order impugned dated 17.03.2021 (Annexure-5) passed by the Family Court No.2, Jodhpur may be declared illegal and may kindly be quashed and set aside.

(b). The defence of the respondent husband may kindly be ordered to be strike off.



(c). *The learned Tribunal may kindly be directed to comply with the mandate of Rajneesh Vs. Neha as well as Koushalya Vs. Mukesh Jain strictly.*"

Learned counsel for the petitioners seeks two reliefs against the impugned order ; one is striking out of the defence due to non-payment of interim maintenance; and another is mandatory compliance of the Judgment of Hon'ble Supreme Court in the case of "Rajneesh Vs. Neha", whereby, the parties shall be required to file an affidavit regarding the earnings.

This Court after hearing learned counsel for the parties is not inclined to allow the striking out of the defence. However, this Court notes that the respondent has not paid any interim maintenance till now to the petitioners and thus, it is directed that the learned court below shall make all efforts to get the maintenance paid to the petitioners expeditiously.

The impugned order is however, modified to the extent that the parties shall be required to comply with the spirit of precedent law of Rajneesh Vs. Neha as directed by the Hon'ble Apex Court. The affidavit shall be filed on or before 20.9.2021 in compliance of judgment of Rajneesh Vs. Neha.

The instant misc. petition and stay petition are disposed of accordingly.

**(DR.PUSHPENDRA SINGH BHATI),J.**

132-/Jitender/Sphophaliya/-