

Family Court, Mumbai.  
Dated :- 2<sup>nd</sup> March, 2022.

**: C I R C U L A R :**

**Reference :- Judgment in the case of Rajnesh Vs. Neha reported in (2021) 2 SCC 324.**

WHEREAS, the Hon'ble Supreme Court in its judgment referred above has given various directions, including directions to file the affidavit of disclosure of assets and liabilities in maintenance cases.

2. Following directions are issued for the knowledge of the litigants, their Ld. counsel and all the duty holders of the Family Court.

- A] Affidavit of disclosure of assets and liabilities as per **Annexure 'I' 'II'** herein, as may be applicable, shall be filed by the parties in all maintenance proceedings, including pending proceedings, before the concerned Family Court.
- B] The applicant claiming maintenance shall file a concise application accompanied with the affidavit of disclosure of assets and liabilities.
- C] The respondent must submit the reply along with the affidavit of disclosure within a maximum period of four weeks. The Court may not grant more than two opportunities for submission of the affidavit of disclosure of assets and liabilities to the respondent and the Court may consider exercising the power to strike off the defense of the respondent, if the delaying tactics are adopted.
- D] In case of failure to file such an affidavit of disclosure of assets and liabilities within the prescribed time, the Court

may proceed to decide the application for maintenance on the available record.

- E] **Annexure 'I'**, format of affidavit, may be modified by the concerned Court if the exigencies of the case may require the same.
- F] If there is any dispute with respect to the declaration made in the affidavit of disclosure, the aggrieved party may seek permission of the Court to serve interrogatories and seek production of relevant documents from the opposite party under **Order XI of the Code of Civil Procedure**.
- G] If during the course of proceedings there is a change in the financial status of any party, or there is a change of any relevant circumstances, or if some new information comes to light, the party may submit an amended/supplementary affidavit.
- H] In case the parties belong to the economically weaker section, or are living below the poverty line, or are casual labourers, the requirement of filing the affidavit would be dispensed with.


3. The above guidelines are taken out from the judgment of the Hon'ble Supreme Court in the above referred case of **Rajnish Vs. Neha** and the parties and their respective counsel may refer to the original judgment, in case of doubt.

4. Considering the above directions, the parties in the maintenance proceedings under any relevant Act before the Family Court shall file the affidavit in consonance with the above directions given in the judgment of the Hon'ble Apex Court referred above.

5. It is made mandatory for the applicant to disclose the previous proceedings and the orders passed therein, in the subsequent proceedings.

6. The office shall provide the editable format of affidavit of assets and liabilities in on the website of the Family Court, Mumbai, so as to enable the litigants, their Ld. counsel and all duty holders of the Family Court easily download the document in word format and easily fill and submit it after due affirmation in the Court without any delay.

**Enclosure :- Format of Affidavit**  
pps/crttd

  
2/3/2022  
( P. L. Palsingankar )  
Principal Judge,  
Family Court, Mumbai.