

CIRCULAR

The Hon'ble Apex Court while disposing of criminal appeal in ***Rajnish Vs. Neha and Another reported in (2021) 2 SCC 324***, has prescribed a uniform format of Affidavit of Disclosure of Assets and Liabilities to be filed in maintenance proceedings. Further, comprehensive guidelines are issued at para No.72 and the relevant portion is extracted as follows:

“72. Keeping in mind the need for a uniform format of Affidavit of Disclosure of Assets and Liabilities to be filed in maintenance proceedings, this Court considers it necessary to frame guidelines in exercise of our powers under Article 136 read with Article 142 of the Constitution of India:

72.1. (a) The Affidavit of Disclosure of Assets and Liabilities annexed at Enclosures I, II and III of this judgment, as may be applicable, shall be filed by the parties in all maintenance proceedings, including pending proceedings before the Family Court/District Court/Magistrate's Court concerned, as the case may be, throughout the country;

72.2. (b) The applicant making the claim for maintenance will be required to file a concise application accompanied with the Affidavit of Disclosure of Assets;

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72.9. (i) In case the parties belong to the economically weaker sections (“EWS”), or are living below

Contd..2

the poverty line (“BPL”), or are casual labourers, the requirement of filing the affidavit would be dispensed with.

72.10. (j) The Family Court/District Court/Magistrate's Court concerned must make an endeavour to decide the IA for interim maintenance by a reasoned order, within a period of four to six months at the latest, after the Affidavits of Disclosure have been filed before the court.”

Further, the Hon’ble Apex Court in ***Aditi alias Mithi Vs. Jitesh Sharma reported in 2023 SCC OnLine SC 1451*** has reiterated the above guidelines given in ***Rajnesh*** (supra) and has directed all the Trial Courts/Family Courts to strictly follow the said guidelines.

Therefore, as directed, all the Trial Courts/ Family Courts shall strictly follow the comprehensive guidelines laid down by the Hon’ble Apex Court in the above noted cases and to decide the maintenance applications, interim or final, within the stipulated period after receipt of Disclosure of Affidavit of Assets and Liabilities of both the parties. Any lapse in this regard will be viewed seriously.

BY ORDER OF HON’BLE THE CHIEF JUSTICE

**Sd/-
(M.CHANDRASHEKAR REDDY)
REGISTRAR (JUDICIAL)**

To:

1. The P.A. to Hon’ble The Chief Justice

Contd...3

2. The Registrar General/ Registrar (Vigilance)/ Registrar (Recruitment) / Registrar (Administration)/ Registrar (Infra & Maintenance) / Registrar (Protocol & Hospitality) / Registrar (Computers).
3. The Additional Registrar General/ Additional Registrar (Judicial), High Court of Karnataka at Dharwad and Kalaburagi Benches, for information.
4. The Central Project Co-ordinator (CPC), with a request to web-host the circular.
5. The Director, Karnataka Judicial Academy, Bengaluru.
6. The Assistant Registrar and Section Officer of DJA-I to circulate the circular to all the Trial Courts/ Family Courts through the respective Principal District and Sessions Judges and Unit Heads. (pdf copies of both the Judgments also to be circulated to all the Courts through email).
7. Office Copy.