



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.24345 OF 2025

Payio Ashiho & Anr.

.. Petitioners

Versus

Union of India & Anr.

.. Respondents

**Dr.Dhruv Janssen-Sanghavi a/w Tejas Popat, Vishesh
Malviya, Amandeep Mehta, Aanchal Maheshwari**
Advocates for the Petitioners.

**CORAM : B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE : AUGUST 14, 2025

P. C.

1. The above Writ Petition is filed to declare and hold that the term 'spouse' appearing in the explanation to the fifth proviso to Section 56(2)(x) as unconstitutional inasmuch as it excludes the Petitioners from the scope and definition of the term 'spouse'. The declaration is also sought to extend the benefit of the fifth proviso to Section 56(2)(x) of the IT Act to the Petitioners who are in a long-term, stable same sex relationship. In the alternative to prayer clause (a), relief is sought that the term 'spouse' as used in the fifth proviso to Section 56(2)(x) of the IT

Act be read to include same sex couples like the Petitioners, and who according to the Petitioners, are in exactly the same position as heterosexual couples which would be presumed to be in a marriage.

2. Since the constitutional validity is challenged, we issue notice to the Attorney General of India returnable on 18th September 2025. We also direct the registry to issue notice to Respondent No.2, returnable on 18th September 2025.

3. Stand over to 18th September 2025.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]