

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3678 OF 2015

Mr. Shirish B. Ghan	..Petitioner
<i>Versus</i>	
Mrs. Anupama Deshpande	..Respondent

....
Mr. Sachindra B. Shetye, Advocate for the Petitioner.
None for the Respondent.
....

CORAM : A. R. JOSHI, J.

DATE : 6th MAY, 2015

P.C.

1. Heard learned Counsel for the writ petitioner.
2. The learned Counsel for the petitioner stated that he had tried to serve the respondent, however, the packet containing copy of the writ petition has returned with endorsement "unclaimed". Whatever may be that situation, in the opinion of this Court considering the prayers in the present Writ Petition, the present Writ Petition can be disposed of without presence of the respondent.
3. What is prayed in the present Petition is direction to

the Family Court, Pune to decide the Contempt Application bearing M.A. No.42 of 2014 within a fixed time bound programme.

4. The contempt petition filed before the Family Court, Pune is on account of failure on the part of the respondent – wife to obey the consent terms arrived at between the parties and which are forming part of the judgment and decree of the Family Court in Application No.A-1046 of 2007. Earlier, application of respondent-wife for divorce on certain grounds was subsequently converted into application under Section 13(B) of the Hindu Marriage Act and as such it was disposed of by the Family Court Pune vide order dated 23.1.2014 and in which divorce was granted and the consent terms arrived at between the parties were directed to be obeyed by both the parties.

5. It is submitted on behalf of the petitioner-husband that his part of the consent terms has already been complied with and he had fulfilled all the monetary obligations put on him under the consent terms. However, as per the consent terms he was entitled to get temporary custody / access to his children

periodically but the same has not been complied by the wife, present respondent. It is further submitted on behalf of the petitioner that as per the consent terms he is entitled for temporary custody of both the children on 1st, 3rd and 5th Saturday and Sunday of every month at Pune and also entitled for the custody of the children for half of all major vacations at Nashik and access on phone.

6. As the said consent terms were not honoured by the respondent-wife, the present petitioner filed Contempt Application bearing M.A. No.42/2014 before the Family Court at Pune and which is still pending. Considering the prayers, present Writ Petition can be allowed by giving suitable directions. Hence the order :

:: O R D E R ::

- i. The Writ Petition is allowed;
- ii. The concerned Family Court, Pune with which Contempt Application No.42 of 2014 is pending, shall deal with the said application in accordance with law and dispose of the same as expeditiously as possible and preferably within a

period of four months from receipt of these directions. Needless to mention that prior to passing orders on the said pending application, the Family Court, Pune shall hear the present respondent – wife.

iii. With these directions, the Writ Petition is disposed of.

(A. R. JOSHI, J.)

Deshmane (PS)