

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT APPEAL NO.2 OF 2015
IN
CONTEMPT PETITION NO.302 OF 2014
IN
WRIT PETITION NO.11232 OF 2012

Sabita Maria Burges		Appellant
V/s.		
Mark Lionel Burges		Respondent

Mr. Rohan Cama a/w. Ms. Sapana
Rachure, for the Appellant.

Mr. Pradip Chauhan for the Respondent.

CORAM : V.M. KANADE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 8TH OCTOBER, 2015.

P.C. :

1. Heard learned counsel for the parties.
2. The grievance of the Appellant/wife is that, despite there being a specific direction given by this Court to the Respondent/husband to pay the monthly charges of the Society, the said amount is not being paid in time. The learned counsel appearing on behalf of the Respondent/husband, after taking the instructions from the Respondent,

who is present in Court, submits that the direction may be given to the Society that they should have R.T.G.S. facility in their Bank Account so that the Respondent/husband can directly transfer the said amount to the Society.

3. In view of this statement made by the learned counsel for the Respondent/husband, nothing survives in the Contempt Petition. The undertaking given by the Respondent/husband, that the said monthly charges of the Society shall be paid in time, is accepted. The Appellant/wife shall send a copy of the bill in respect of monthly charges of the Society to the counsel appearing on behalf of the Respondent/husband. The Society is also directed to co-operate with the Respondent in order to enable him to make payment through electric transfer / R.T.G.S. facility.

4. Another grievance of the wife is that the Respondent/husband is making payment on 8th, 9th or 10th day of each month. It is submitted that the Appellant has to pay salary of servant and incur other expenses from 1st day of each month. We hope that the Respondent/husband will make payment on 1st day of each month, instead of 8th day.

5. The observation made by the learned Single Judge of this Court in

para 8 of the impugned order, that because the Respondent/husband is working on the ship, he has a good justification for not making payment of monthly charges of the Society, are set aside, since, in our view, that cannot be a justification for non compliance of the order passed by this Court. To that extent, the impugned order is modified.

6. Since the order dated 8th February, 2013 passed by this Court has now been complied, the Contempt Appeal is disposed of.

7. The Respondent is present in the Court, as per the directions given by this Court. His presence is excused since the Contempt Appeal is disposed of. It is no longer necessary for him to remain present in the Court.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[V.M. KANADE, J.]