

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9676 OF 2014

Kishan Baban Kadam .. Petitioner
vs.
Sunita Kishan Kadam .. Respondents

Mr. Satish Kamat for Petitioner.
Mr. V. R. Sankpal for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 12 OCTOBER 2015

P.C. :-

1] This Court, by order dated 2 February 2015 had made it clear that the Petitioner to ensure payment of arrears of maintenance before the next date. Till today, the Petitioner has not made any payment either towards arrears of maintenance or actual maintenance. Today, the learned counsel for the Petitioner merely submits that the Petitioner is in no position to pay the arrears, which on the date of the order dated 2 February 2015 had mounted upto Rs.3,71,600/-. The learned counsel for the Petitioner however states that he will obtain instructions from the Petitioner as to the amount, which the Petitioner will pay as a pre-condition for being heard in this petition.

2] The matter cannot be adjourned for this reason. The order for payment of arrears was made on 2 February 2015. The Petitioner has neither paid arrears nor the Petitioner continues to pay the maintenance amount awarded by the orders impugned in this

petition. However, as a last chance, the Petitioner is directed to deposit in this Court on or before 16 November 2015 an amount of Rs.2,00,000/- (Rupees Two Lakhs). In case such amount is deposited, then the matter be placed for admission on 20 November 2015 on Supplementary Board (HOB). If however, even this amount is not deposited or directly paid to the Respondent by means of a bank draft (demand draft), this petition to stand dismissed. The reason for such dismissal would be that the Petitioner has failed to comply with the order made by this Court on 2 February 2015. If the Petitioner does not avail of the indulgence granted by this Court, it would then be clear that the sole purpose of filing this petition is to avoid complying with the orders impugned in this petition on the sole ground that this petition is pending. This is not permissible. The impugned orders have not been stayed by this Court.

3] Therefore, place this matter for further consideration on 20 November 2015 only if the Petitioner deposits in this Court or pays to the Respondent amount of Rs.2,00,000/- (Rupees Two Lakhs) on or before 16 November 2015. It is once again made clear that if there is no compliance, this petition to stand dismissed without any further reference to the Court.

(M. S. SONAK, J.)