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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.489 OF 2015
IN
CIVIL APPLICATION NO.245 OF 2014
IN
FAMILY COURT APPEAL NO.177 OF 2014

Smt. Sunita Samer Waghmare ... Petitioner

Versus

Shri. Sameer Arjun Waghmare ... Respondent

Mr. Ashish Dubey for the Petitioner.
Mr. Laxmikant M. Shukla for the Respondent.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 29th JULY, 2016

PC.

1 The learned counsel appearing for the Petitioner - wife on instructions states that the Petitioner - wife does not want to accept the proposal of the Respondent - husband of providing a residential flat on leave and licence basis.

2 There is no dispute that in terms of the interim order dated 22nd September, 2014 passed in Civil Application No.245 of 2014 in Family Court Appeal No.177 of 2014, the Respondent is liable to pay Rs.20,000/- pm by way of maintenance from the date of the impugned decree and Rs.20,000/- pm in lieu of 1 BHK flat accommodation. It is not in dispute that now the Respondent has paid both the amounts upto date. The learned counsel appearing for the Respondent states that the Respondent is not willing to continue the statement which is recorded in paragraph 6 of the order dated 4th May, 2016 as the Applicant has declined to accept any of the three flats suggested by the Respondent. In the face of the interim order passed by this Court on 22nd September, 2014 unless the said interim order is modified, we cannot compel the Respondent - husband to pay a sum of Rs.30,000/- pm in lieu of residential accommodation.

3 Suffice it to say that there is no reason to now initiate action under the Contempt of Courts Act, 1971 against the Respondent - husband. We, however, make it clear that on failure of the Respondent - husband to pay total amount of Rs.40,000/- pm to the Petitioner in terms of order dated 22nd September, 2014, it will be open for the Petitioner to file fresh proceedings.

4 Subject to what is observed above, the Contempt Petition is
disposed of. Notice is discharged.

(A.A. SAYED, J)

(A.S. OKA, J)