

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10910 OF 2015

Mr.Santosh Vishnu Satvase

..Petitioner

V/s.

Mrs.Sanjana Santosh Satvase

.. Respondent

Ms.Ujwala Sawant for Petitioner.

Mrs.Sanjana Santosh Satvase Respondent

Party-in-person present.

CORAM : M. S. SONAK, J.

DATE : 08th JANUARY 2016.

P.C.

1. Heard learned counsel for the petitioner and the respondent who appears in-person.

2. Rule is made returnable forthwith by consent. Even otherwise, by order dated 30th October 2015, the parties were put to notice that this matter will be disposed of finally at the stage of admission.

3. The challenge in this petition is to order dated 30-09-2015 which reads thus:-

“The application is not accompanied with W.S. Hence, there is no point in entertaining such application. According that it is rejected.”

4. On 30th October 2015, this Court made the following order:-

“Not on board. Upon production, taken on board.

Issue notice to the respondent returnable on 27/11/2015. Place the matter on Supplementary Board.

Notice to indicate that this petition will be disposed of finally at the stage of admission.

The petitioner is directed to deposit before the Family Court costs of Rs.5,000/- (Rupees Five Thousand Only) on or before 20/11/2015. By way of interim relief, the Family Court is directed to accept the written statement of the petitioner.

In case the respondent is satisfied with the award of costs of Rs.5,000/-, she need not attend this Court on the next date. However, in case the respondent wishes to oppose this petition or desires to press for additional costs, the respondent may do so on the next date.

All concerned to act on basis of authenticated copy of this order.”

5. On 11th December 2015, petitioner was directed to deposit further amount of Rs.2,500/- with the Family Court.

6. Learned counsel for the petitioner states that the petitioner has deposited a total sum of Rs.7,500/- with the Family Court in terms of the directions contained in orders dated 30th October 2015 and 11th December 2015. Further, in terms of the interim order, the petitioner has already filed written statement and now the matter is posted for evidence of the parties.

7. The impugned order was quite harsh, inasmuch as the petitioner had kept ready the draft of the written statement and was prepared to file the same, within reasonable period, in case leave were to be granted for filing of the same. Therefore, the impugned order dated 30th September 2015 is set aside.

8. Although the impugned order is being set aside, the respondent is required to be compensated in terms of costs. The facts and circumstances of the present case, the costs are determine at Rs.10,000/-.

9. Therefore, the petitioner is directed to pay to the

respondent costs of Rs.10,000/- by way of demand-draft. The costs shall be paid by the petitioner directly to the respondent by means of demand-draft on or before 30th January 2016. Thereafter, the petitioner shall produce before the Family Court, the copy of the demand-draft along with receipt from the respondent. The Family Court shall also ascertain from the respondent whether she has received a costs of Rs.10,000/-, on the next date which is stated to be 2nd February 2016. Upon verification, the matter may proceed. Now that the petitioner's written statement has already been taken on record, in case there is any breach, then the petitioner's written statement should not be taken into consideration and this petition shall be deemed to have been dismissed. Nevertheless, the Family Court should ensure that the costs of Rs.10,000/- are paid by the petitioner to the respondent. Further, upon verification that the respondent has indeed received the costs of Rs.10,000/-, the petitioner may be permitted to withdraw the amount of Rs.7,500/- which he has deposited before the Family Court.

10. Further, Family Court is directed to dispose of petition No.E-353/2015 as expeditiously as possible and in any case, within period of six months from today. The petitioner to produce authenticated copy of this order before the Family Court on or before the next date.

11. The rule is made absolute in the aforesaid terms.

12. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)