

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13164 OF 2016**

Mr. Rajiv Bhavsar

..Petitioner

Vs.

Mrs. Kaveeta Bhavsar

..Respondent

**Mr. Rishabh Shah a/w Ms Shirin Shaikh i/b Mr. Raval Shah for the
Petitioner**

CORAM : R. M. SAVANT, J.

DATE : 7th DECEMBER, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 21-10-2016 passed by the Learned Judge of the Family Court No.7 Mumbai, by which order the Petitioner herein who was the Respondent in the said proceedings is directed to deposit an amount of Rs.5,10,000/- in the Family Court within one month. The decree holder i.e. the Respondent herein has filed Execution proceedings for recovery of maintenance from 4-11-2006 to April 2008 @ Rs.30,000/- per month from the Petitioner. It seems that the proceedings in the Family Court being Petition No. F-698 of 2006 was disposed of by a decree passed in terms of the Consent Terms which had been arrived at between the parties.

2 In so far as the execution of the decree and the direction as contained in the impugned order is concerned, the Learned Counsel appearing

for the Petitioner herein i.e. the Respondent before the Family Court has sought to raise contention that he has already paid an amount of Rs.8,03,871/- to the Respondent herein towards education expenses and that the elder daughter Devanshi was residing with him until April, 2008. The said contentions are sought to be reiterated by the Learned Counsel for the Petitioner Mr. Shah in the instant Petition. The said contentions have been rejected by the Learned Judge of the Family Court on the ground that the same cannot be ground not to comply with the Consent Terms unless the Consent Terms are cancelled or modified.

3 In my view, no exception could be taken to the said view taken by the Family Court having regard to the fact that the proceedings are execution proceedings. Hence no case for interference in the Writ Jurisdiction of this court is made out. The Writ Petition is accordingly dismissed.

4 However, it would be open for the Petitioner to urge the contentions as regards adjustment of the amount allegedly paid by the Petitioner and the Family Court may consider the same if otherwise permissible in law.

[R.M.SAVANT, J]