

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

FAMILY COURT APPEAL NO.86 OF 2016

Shri. Dinesh Gopal Jathan

..Appellant

Versus

Smt. Ranjitha Dinesh Jathan

..Respondent

Shri. Pravin Patel i/by Shri. Sagar Kamble for the Appellant.

Mr. Osman Chisty a/w Shri. Ashok A. Rao for the Respondent.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 19th JULY, 2017**

PC.

1 The above Family Court Appeal takes exception to the judgment and order dated 09.03.2016. By an order dated 14.06.2017, the Appellant was directed to deposit an amount of Rs.1,00,000/- in this Court before the next date. This amount was out of the arrears of Rs.4,10,000/- on account of permanent alimony granted to the Respondent-wife. It was made clear in the said order that if the amount is not deposited, then appropriate orders including one of dismissal of the Appeal would be passed. The arrears are from the year 2011. The Appellant is working as Sepoy in SNDT, College, Mumbai. The Appellant has tendered an affidavit wherein he has stated the reasons as to why he could not deposit the said amount of Rs.1,00,000/- as directed by the

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order dated 14.06.2017. As indicated above, the arrears are from the year 2011 and to test the bonafides of the Appellant that we had directed the deposit of only $\frac{1}{4}$ of the amount of arrears. However, the Appellant for the reasons best known to him has not deposited even the said amount. Since we had already made it clear that we would pass appropriate orders including one of the dismissal of the Appeal for non-compliance, we are therefore constrained to dismiss the above Family Court Appeal for non-compliance of the order dated 14.06.2017. The above Family Court Appeal to accordingly stand dismissed.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]