

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

**FAMILY COURT APPEAL NO. 211 OF 2016
WITH
CIVIL APPLICATION NO. 99 OF 2016
IN
F.C.A.NO. 211 OF 2016**

Bhagwan Gundu Mohite

.. Appellant /Applicant

Vs.

Shantabai Bhagwan Mohite

.. Respondent

....
None present for Appellant / Applicant
Mr. Abhijit P. Kulkarni Advocate for the Respondent
....

**CORAM : SMT.V.K.TAHILRAMANI AND
DR.SHALINI PHANSALKAR-JOSHI, JJ.
DATED : AUGUST 14, 2017**

P.C.:

1 By order dated 13.2.2017, this Court had directed the appellant to clear the arrears of maintenance or deposit the amount of maintenance in this Court. In the order dated 29.6.2017, it is reflected that the learned counsel for the respondent - wife stated that arrears are in the region of about

Rs. 3 lakhs. To show financial status of the appellant, the respondent - wife had placed on record the fact that the appellant - husband had received an amount of Rs. 55 lakhs as compensation towards the land acquired from him. The learned counsel for the appellant admitted that the amount of Rs. 55 lakhs had been received by the appellant - husband but the said amount has been disbursed by the husband towards repayment of the loans that the husband had taken from credit societies as well as Banks. However, no details in that regard were placed on record. It was further observed by this Court that the arrears are in the region of Rs. 3 lakhs. Considering the fact that the appellant - husband had received an amount of Rs. 55 lakhs, it cannot be said that the husband is having any financial stringency. Observing thus, the appellant - husband was directed to deposit an amount of Rs. 1,50,000/- in this Court within four weeks. It was further observed that if the amount as directed, is not deposited, this Court would be constrained to pass appropriate orders in the above Family Court Appeal including dismissing the appeal.

2 On 27.7.2017 time was sought upto 3.8.2017 to

deposit Rs.1.50 lakhs. It was observed in the order dated 27.7.2017 that if the amount as directed is not deposited, then rigors of the order dated 29.6.2017 would come into operation.

3 In the order dated 3.8.2017, it is recorded that the appellant has not deposited a single farthing. It is further recorded in the order dated 3.8.2017 that the learned counsel appearing for the appellant on instructions from the appellant, stated that an amount of Rs. 50,000/- would be deposited by 10.8.2017. Thereafter further amount of Rs.50,000/- would be deposited by 31.8.2017 and the last installment of Rs.50,000/- would be deposited by 15.9.2017. In the order dated 3.8.2017, it is reflected that only on deposit of Rs.50,000/- by 10.8.2017, the appellant would get time to deposit the next installment of Rs.50,000/- upto 31.8.2017 and so on in respect of the last installment. If the initial amount of Rs.50,000/- is not deposited by 10.8.2017, this Court will contemplate passing appropriate orders in the Family Court Appeal including dismissal of the Family Court Appeal for non-prosecution. Till today, no amount has been deposited by the appellant. The appellant or his advocate is not present before the Court. We are of the opinion

that sufficient time has been given to the appellant from time to time to deposit the amount in this Court. Despite time having been granted to him and the liberty to pay the amount in installments, no amount at all, has been deposited by him. In this view of the matter, we dismiss the Family Court Appeal.

4 In view of the dismissal of the Family Court Appeal, Civil Application No. 99 of 2016 does not survive and is disposed of accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.] [SMT.V.K.TAHILRAMANI, J.]