

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

WRIT PETITION (ST.) NO.31416 OF 2017

Bhavesh Dinesh Doshi	..	Petitioner
Vs.		
Mamta Bhavesh Doshi	..	Respondent

Bhavesh Dinesh Doshi, petitioner in-person present.
Ms.Kalpana R. Trivedi for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 23rd November 2017

P.C.:

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order passed by the Family Court, Bandra, Mumbai dated 2nd November 2017 thereby rejecting the application filed by the petitioner for setting aside the order striking of defence of the petitioner on the ground that the petitioner has failed to pay arrears of interim maintenance to the respondent-wife in the sum of more than Rs.15 lakh. The petitioner was sent to civil prison for one month vide order dated 14th August 2017 passed by the Family Court No.5, Mumbai for committing default of arrears of maintenance of Rs.14,55,000/- at that stage. The petitioner has undergone the punishment awarded by the Family Court No.5, Mumbai.

2. It is the case of the respondent that the petitioner is qualified Chemical Engineer and though he is liable to make payment of maintenance and is capable to pay maintenance to the respondent, he has deliberately not paid the arrears of maintenance. Though repeatedly called upon the petitioner to inform this Court whether he is willing to

deposit any amount of arrears of maintenance at this stage or at least substantial part of it, the petitioner is not willing to pay any amount to the respondent.

3 Family Court Appeal No.50 of 2016 filed by the petitioner was already dismissed as withdrawn by an order dated 26th July 2017. No case is thus made out for interference with the impugned order dated 2nd November 2017 passed by the Family Court, Bandra, Mumbai.

4. Writ petition is dismissed with costs quantified at Rs.25,000/- which shall be paid by the petitioner to the respondent within one week from today. Hearing of the Family Court proceedings between the parties are expedited.

R.D. DHANUKA, J.