

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.30 OF 2016
in
CONTEMPT PETITION (ST) NO.2156 OF 2016**

Mrs Pari w/o Dhiraaj Chowdhary ... Applicant
Vs.
Dhiraaj Dilip Chowdhary . Contemnor

Mr.K.K.Holambe Patil for Applicant
Mr.S.H.Joshi for Respondent-Contemor.
Mr.A.A.Alaspurkar AGP for State.
Mr.Dhiraaj Dilip Chowdhary Contemnor present in Court

**CORAM : G.S.KULKARNI, J.
DATE : FEBRUARY 21, 2018.**

P.C.:

On 14.2.2018 this Court had passed the following
order :

“ List this petition for hearing on 21st February 2018.
(HOB).

2. In the meantime, learned counsel for the
respondent/contemnor shall take instructions whether the
respondent/contemnor is agreeable to deposit in this Court
the amount of arrears.

3. On the adjourned date of hearing, the
respondent/contemnor shall remain present in the Court.”

2. The respondent Mr.Dhiraaj Dilip Chowdhary is

accordingly present in Court.

3. The grievance in the contempt petition is of the non-compliance of the order dated 14.12.2012 passed by this Court in Criminal Revision Application No.457 of 2012 whereby in para 3 of the said order the Court had directed the Contemnor-respondent to regulate the payment of monthly arrears at the rate of Rs.8000/- per month within three weeks to be deposited before the Court of learned Judicial Magistrate First Class, Thane. The relevant extract of the said order reads as under :

“ The reduction from Rs.15,000/- to Rs.8000/- though questioned by the wife, however since the main petition is pending before the learned JMFC, Thane and the interim order is dated 20th August 2010, it is expected that both the parties to ensure disposal of the main petition under the Protection of Women from Domestic Violence Act 2005 pending before the learned JMFC,Thane. The respondent-husband is at liberty to show independent income of the applicant sufficient to maintain her. The learned counsel for the respondent-husband confirms to regulate the payment of monthly arrears at the rate of Rs.8000/- p.m. within three weeks to be deposited before the learned JMFC,Thane. With the above clarification, revisional application is disposed off. The learned JMFC, will dispose of the main petition within a period of maximum six months from receiving writ of this court.”

4. Learned counsel for the respondent-contemnor on instructions,states that as on date, a total amount of Rs.8,22,000/-

will become due for deposit under the order dated 14.12.2012 passed by this Court. He states that out of which an amount of Rs.1,00,000/- was already deposited before the Sessions Court at Mumbai and sometime in the year 2016, the said amount was withdrawn by the petitioner. It is stated that the respondent-contemnor shall immediately within two days from today deposit an amount of Rs.2,28,000/- before the trial Court and balance amount of Rs.4,96,000/- would be deposited by the respondent-Contemnor within a period of three months in three equal instalments. Statement made by the learned counsel for the respondent-contemnor on instructions of the respondent-contemnor is accepted.

5. In view of the willingness on the part of the respondent-contemnor to comply with the orders of this Court and to deposit the said amounts, the Contempt Petition would not require further adjudication. However, the fact remains that *prima facie* the respondent-contemnor had not complied with the order dated 14.12.2012 passed by this Court. It may be observed that in the event there is a default in complying with the statement as made by the respondent-contemnor today and as recorded

above, in regard to the deposit of the said amounts, the petitioner will be entitled to revive the proceedings and the Court in that case will have to proceed to adjudicate on the Contempt Petition.

6. With these observations, petition is disposed of. No costs.

7. Civil Application No.30 of 2016 would also not survive in view of the above consensus. It is accordingly disposed of.

8. Learned counsel for the respondent-contemnor submits that in the principal proceedings before the trial Court are still pending. It would be open to the parties to approach the trial Court with a request to take up the application and decide the same as expeditiously as possible. The learned trial Judge shall endeavour to dispose of the main application as early as possible and preferably within a period of six months from today. Needless to observe that the orders dated 14.12.2012 of this Court directing the respondent-contemnor to deposit Rs.8000/- per month shall continue to operate till final orders are passed by the learned trial Judge in the pending proceedings.

(G.S.KULKARNI, J.)

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