

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

CONTEMPT PETITION NO.271 OF 2018

Rupal Mayur Doshi .. Petitioner

V/s.

Mayur Jaswantary Doshi .. Respondent

Ms.Firoza Kapadia I/b Mr.Sameer Khedekar for the petitioner

Mr.Rashid Khan with Mr.Rutuvij Bhat I/b Mr.Manoj Bhatt for the respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : AUGUST 10, 2018

P.C. :

1 Heard.

2 By this Contempt Petition, petitioner alleges that though this court passed order on 12.04.2018 in Contempt Petition No.87 of 2017 directing respondent husband to pay maintenance of Rs.25,000/- per month to his wife and two children, as directed by this court in its order dated 28.11.2016, he failed and neglected to comply the said order.

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3 Advocate for the petitioner submits that as on today Rs.58,765/- is due and payable by the Respondent as per earlier order passed by this court.

4 The learned counsel for the Respondent submits that actually they issued post dated cheque of Rs.33,580/- and Rs.25,185/- to University School, Ghatkopar towards payment of school fees. If those amounts are considered in calculation, there is no question of any outstanding.

5 The learned counsel for the petitioner submits that they have no objection if respondent withdraws those two cheques from University School, Ghatkopar. She submits that petitioner will take care for payment of school fees of both the children.

6 Considering these facts, advocate for the respondent submits that respondent undertakes pay sum of Rs.83,765/- which includes maintenance charges for the month of September, 2018 on or before 10.09.2018. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted. In view of these facts, following order is passed:

a) Respondent to pay sum of Rs.83,765/- to the petitioner on or before 10.09.2018.

b) Respondent is permitted to withdraw two cheques of Rs.33,580/- and Rs.25,185/- paid by him to the University School, Ghatkopar by

making appropriate application with the consent of the petitioner after the payment of Rs.83,765/-.

c) Advocate for the petitioner agreed that petitioner has no objection for withdrawal of two cheques by the respondent after receiving entire amount as stated hereinabove.

d) Respondent in addition to sum of Rs.83,765/- to pay cost of Rs.15,000/- to the petitioner for floating the earlier order dated 12.04.2018 passed by this court in Contempt Petition No.87 of 2017.

e) Respondent husband shall continue to pay maintenance of Rs.25,000/- per month to his wife and two children as directed by this court in its order dated 28.11.2016 regularly from the month of October, 2018 on or before 10th of each month.

f) Contempt Petition stands disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)