

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 185 OF 2009**

Rajesh Shubhkaran Bajaj

..Appellant

Vs.

Varsha Rajesh Bajaj

..Respondent

Mr. A. M. Saraogi for the Appellant

Mr. H. P. Vyas for the Respondent

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 30th JANUARY, 2018

P.C.

1 The above Family Court Appeal is pending hearing and final disposal. The same had come up before this Court on 8-1-2018 when this Court had noticed that the Appellant has not complied with the directions as contained in the order dated 13-10-2017 passed by a Division Bench of this Court (A. A. Sayed and Manish Pitale JJ) in terms of which directions the Appellant was to pay a sum of Rs.50,000/- to the Respondent wife by 17-10-2017. This Court therefore, in the fact situation of there being a persistent default by the Appellant in payment of maintenance as also the open non compliance of the directions passed by this court from time to time had issued a direction by an order passed on the said day to the Appellant to deposit an amount of Rs.3,00,000/- in this Court by 25-1-2018. The Appellant was put to notice as regards the consequences of such non compliance namely that the above Family Court Appeal would stand dismissed for non prosecution.

2 The Learned Counsel appearing for the Appellant Mr. Saraogi states that the said order dated 8-1-2018 passed by this Court in respect of the deposit of Rs.3,00,000/- by 25-1-2018, has not been complied with by the Appellant. Since the Appellant has already been put to notice as regards the consequences of such non deposit, in the facts and circumstances of the case more especially having regard to the fact that the maintenance to the children has not been paid nor deposit made as directed by this Court, this Court is left with no alternative but to dismiss the above Family Court Appeal for non compliance of the said order dated 8-1-2018.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]