

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

CONTEMPT PETITION NO. 149 OF 2019

Mrs. Deepika w/o Sandeep Kedia

.... Petitioner

Versus

Mr. Sandeep s/o. Gopal Kedia

.... Respondent.

.....

Ms. Sheetal Pandya a/w. Priyanka Rathi i/b. M/s. Solicis Lex for the
Petitioner.

Mr. Anand Mishra a/w. Ms.Khevana Dagli i/b. Ashok M. Saraogi for the
Respondent.

CORAM : S.C. GUPTE, J.

DATE : 9 OCTOBER 2019

P.C.

The subject matter of the present contempt petition concerns non-payment of rent towards temporary accommodation of the Petitioner (original Respondent No.2) in the appeal from order.

2. Secondly, it is the grievance of the contempt Petitioner that contrary to the orders by this Court, the original suit premises, which was the matrimonial home of the Petitioner herein, was disposed of by the Respondent.

3. *Prima-facie*, there is no order of this Court restricting the

Respondent's right to deal with the suit premises. During the pendency of the appeal from order, it is apparent that this Court has required Respondent No.1 (Contemnor) to deposit a sum of Rs.35,000/- per month towards rent for an alternative temporary accommodation, made available to the Petitioner herein (original Respondent No.2), for accommodation till hearing and final disposal of the appeal from order. The Petitioner herein has accepted to move to the alternative temporary accommodation in pursuance of the orders. It is also apparent from the order passed by this Court on 11 June 2018 that the Petitioner herein had vacated suit premises and this fact was confirmed by Respondent No.1. It is, thus, clear that with effect from 1 June 2018, Respondent No.1 would have to pay rent/compensation @ Rs.35,000/- per month to the Petitioner herein.

4. Learned Counsel for Respondent No.1 informs the Court that his client has deposited arrears of rent/compensation for the period from 1 May 2018 till September 2019 alongwith Rs.1,00,000/- as security deposit. The Petitioner herein shall be entitled to withdraw from the amount deposited by Respondent No.1 a sum of Rs.35,000/- per month (deposited for the period from May 2018).

5. The Registry shall accordingly permit the Petitioner herein

to withdraw Rs.5,95,000/- from out of the deposit made by Respondent No.1 (over and above the sum of Rs.1,00,000/- already withdrawn by the Petitioner). This withdrawal shall be permitted in the maiden name of Petitioner.

6. Learned Counsel for Respondent No.1, after taking instructions from his client, agrees to make further payment for October 2019 onwards directly to the account of the Petitioner, the particulars of which are as under -

"Name	:-	Dipika Sandeep Kedia,
Bank Account No.:-		085101515512.
Type of Account	:-	Savings
IFSC Code	:-	ICIC0000851
Name of Bank	:-	ICICI Bank
Branch	:-	ICICI Bank, Surat, City Light Branch."

7. The contempt petition is disposed of accordingly.

(S. C. GUPTE, J.)