

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.454 OF 2018

Sarita Ishwarlal Suthar and another ... Petitioners
Vs.
Ishwarlal Bhawarlal Suthar ... Respondent

Mr. Aditya Barthakur for Petitioners.
Ms Yogita More for Respondent.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 7, 2019

P.C. :

Heard Mr. Barthakur, learned Counsel for the petitioners and Ms More, learned Counsel for the respondent at length.

2. This Contempt Petition is filed alleging breach of the order dated 22.03.2018 passed by the learned Judicial Magistrate First Class, Pune below exhibit-29 in Criminal Miscellaneous Application No.2340 of 2017. By that order, the learned trial Judge directed the respondent to file documents relating to his bank accounts along with Income Tax Returns from the year 2012 till date with copy of his PAN Card.

3. Mr. Barthakur submitted that the respondent has complied order by filing documents on 16.10.2018. He however, submits that till today, respondent is in arrears of maintenance of Rs.2,80,000/-. He submitted that as the bank accounts and I.T. Returns of the respondent were not made available to the petitioner at the time of hearing of the interim maintenance application, the learned trial Judge awarded maintenance of Rs.6,000/- per month each to the petitioner and their daughter. Aggrieved by that decision, Appeal is preferred in the Sessions Court and the same is pending.

4. On the other hand, Ms More states that respondent is regularly paying maintenance as awarded by the trial Court.

5. It is not possible to go into the disputed question of fact for the first time. The learned trial Judge will verify whether the respondent is in arrears of Rs.2,80,000/- as claimed by the petitioner or is not in arrears as claimed by the respondent. As the order dated 22.03.2018 is complied, it is not necessary to pursue this Contempt Petition any further. The Contempt Petition is accordingly disposed of.

(R. G. KETKAR, J.)

Minal Parab