

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST.) NO.31774 OF 2018

Sandeep Babu Naik ... Petitioner
Vs.
Vidya Sandeep Naik ... Respondent

Mr. S. P. Rajepandhare i/b. Mr. Pritesh Bohade for Petitioner.
Ms S. A. Mudbidri for Respondent.

CORAM : R. G. KETKAR, J.
DATE : APRIL 22, 2019

P.C. :

Heard Mr. Rajepandhare, learned Counsel for the petitioner and
Ms Mudbidri, learned Counsel for the respondent.

2. The Petition was heard on 15.04.2019. In paragraph 3 of that order, it was noted that in the order dated 25.03.2019, statement made by Mr. Bohade on instructions that petitioner is regularly paying the maintenance as per the order dated 09.11.2016 and is not in arrears of maintenance was recorded.

3. In paragraph 4, submission of Ms Mudbidri that as on 30.04.2019, petitioner is in arrears of Rs.5,25,000/- was recorded. It was further recorded that the said position is not disputed and cannot be disputed. It was further observed that the statement made by Mr. Bohade, on instructions, and recorded in the order dated 25.03.2019 was factually incorrect. The matter was kept today High on Board. It was made clear that if before the next date of hearing, petitioner does not deposit Rs.5,25,000/- in this Court, the Court will consider dismissing the Petition solely on the ground that this Court was misled while passing the order dated 25.03.2019.

4. Office remark dated 18.04.2019 shows that petitioner has not deposited Rs.5,25,000/- in the Registry till date. Mr. Rajepandhare, upon taking telephonic instructions from Mr. Bohade, confirms the said fact. In view of paragraph 5 of the order dated 15.04.2019, as the petitioner has not deposited Rs.5,25,000/- and in fact misled this Court while passing order dated 25.03.2019, Petition is dismissed solely on this ground.

5. Ms Mudbidri submits that respondent has filed Regular Darkhast No.78 of 2017 for implementation of order of maintenance dated 09.11.2016, which directs the petitioner to pay maintenance @ Rs.15,000/- per month to minor daughter Sanika. The petitioner is filing applications after applications and stalling hearing of Regular Darkhast.

6. In view thereof, the learned trial Judge is directed to consider the applications, if any, filed by the petitioner only after his paying entire arrears of maintenance as per order dated 09.11.2016. In case the petitioner does not clear the entire arrears as per order dated 09.11.2016, the learned trial Judge will proceed to decide the Darkhast.

7. All parties, including the trial Court, to act upon the authenticated copy of this order.

8. The Petition is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab