

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.156 OF 2019
IN
WRIT PETITION NO.2803 OF 2019

Prakash Balkrishna Naidu, Chhatrapati Nagar, Nagpur

-vs-

Sashanka Prakash Naidu, Rajamundry (Rural) Est Govavari Dist AP

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. V. Bhangde, Advocate for petitioner.

Shri G. L. Bajaj, Advocate for respondent/applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : June 27, 2019

Civil Application (CAN) No.48 of 2019

The respondent seeks exemption from personal appearance as directed vide order dated 12/06/2019 and thereafter on 24/06/2019. In the application it has been stated that due to financial constraints the respondent is unable to travel from Hyderabad to reach Nagpur within a short interval and hence she may be granted exemption from her attendance. It is further stated that the respondent is yet to receive arrears of maintenance from the petitioner. The child-Sameera has been admitted in a school at Hyderabad and as the academic session has commenced, her attendance before this Court would result in her absence from the school.

2. The prayer made in the application is opposed by the learned counsel for the petitioner on the ground that the application seeking exemption is not supported by any affidavit.

According to the learned counsel who has relied upon the decision in *Delhi Development Authority vs. Skipper Construction and anr. (1999) 6 SCC 18* such request ought to have been made along with an affidavit in that regard. It is further stated that unless the respondent complies with the earlier directions as issued, she does not deserve to be heard in the matter.

3. By the order dated 12/06/2019 the respondent was directed to remain present before this Court on 18/06/2019. The respondent was accordingly present in Court. On that day the matter could not be taken up by the Court. On 24/06/2019 the respondent was directed to file her reply and also remain present with the minor child today. Reply has been filed on behalf of the respondent which is taken on record.

4. Considering the reasons that are stated in the application and also keeping in mind the fact that both the parties have been directed to appear before the Supreme Court Mediation Center on 08/07/2019, I am inclined to accept the request made by the respondent in the present application. In the light of the statement made in paragraph 9 of the application on behalf of the respondent that she would remain present on the next date as and when directed, the matter is fixed for further consideration on **11/07/2019** on which date the respondent shall remain present in the Court.

Civil Application is allowed and disposed of.

JUDGE