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

CRIMINAL WRIT PETITION 773 OF 2018
(Durwas s/o. Harishchandra Bansod vs Sau Urja @ Urmila Durwas Bansod)

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders. | *Court's or Judge's orders.*

Shri I.G. Meshram, counsel for petitioner.
Smt.A.A. Ghonge, (Appt.) counsel for respondent.

CORAM: ROHIT B. DEO, J.
DATE: 18th JUNE, 2019.

This Court is called upon to exercise its extra ordinary writ jurisdiction and to interfere with the order of the learned Magistrate who granted maintenance of Rs. 9,000/- per month to the wife, which is reduced to Rs. 7,000/- in revision.

2 This Court asked the learned counsel Shri I.G. Meshram whether the order of the learned Magistrate, as modified by the revisional Court is complied with. Shri I.G. Meshram is not ready to answer the query and is insisting that this Court should look into the affidavit filed on record.

3 The learned counsel for the respondent – wife states that the husband has not complied with the order and is in arrears. Writ jurisdiction is not a remedy which can be invoked at the askance. A litigant who is not complying with the judicial orders, has no right to insist that this Court must invoke its writ jurisdiction. Shri I.G. Meshram submits that since execution proceedings are ongoing, the compliance with the order of the learned Magistrate must be

left to the executing Court and that this court should not refuse to hear the petitioner on the ground that he is in arrears. The submission is noted only for rejection.

4 Unlike a statutory appeal, writ jurisdiction is an extra ordinary jurisdiction and surely is not available to a litigant who in contemptuous disregard to judicial orders is refusing to pay maintenance to the wife, and who at any rate is in arrears of maintenance.

5 The learned counsel for the wife points out that the wife has filed on record an affidavit stating that the petitioner husband is in arrears of Rs. 2,65,000/- as on 30.3.2019. In this view of the matter, I am not inclined to entertain the petition unless the petitioner husband deposits an amount of Rs. 1,80,000/- in this Court within a week. If the amount of Rs. 1,80,000/- is not deposited in this Court within a week, the petition shall stand dismissed without further reference to Court.

JUDGE

rsb