

Anjali @ Mehak Aditya Pardasany	...	Applicant
versus		
Aditya Chandru Pardasany	...	Respondent

Satish Maneshinde a/w Namita
Maneshinde for the Respondent.

CORAM :- SMT.BHARATI DANGRE, J.

DATE :- MARCH 5, 2020

P.C. :-

1. On 4th October, 2019, on an Criminal Appeal No.1529 of 2019 being filed by the respondent against the order passed by the High Court on 21st February, 2019 in Criminal Revision Application No.560 of 2018, the Hon'ble Apex Court passed the following order.

“Considering the entirety of the matter and the fact that a sum of Rs.21.6 lakhs now stands deposited in the Registry of the High Court, we modify the aforesaid direction issued by the High Court and direct that the deposit of Rs.21.6 lakhs shall be taken as due compliance of the direction issued by the High Court. We request the High Court to take up the matter for hearing without insisting upon any further deposits in the matter.”

2. The petitioner has filed the present contempt petition on 10th February, 2020, alleging disobedience of the order dated 23rd

August, 2018 and 3rd August, 2019 passed by the Family Court, Mumbai at Bandra. She alleges that there is no payment of interim maintenance as directed by these two orders and, therefore, it amounts to disobedience.

3. The order dated 23rd August, 2018 is passed on an application filed by the wife seeking interim maintenance for herself and her daughter. By the said order, the application was allowed. The respondent/husband was directed to pay interim maintenance at the rate of 1.5 lakhs per month to the petitioner and Rs.40,000/- per month to the minor daughter from the date of the application. In addition, an amount of Rs.50,000/- towards litigation expenses was also directed to be paid.

4. Being aggrieved by the said order, the respondent/husband filed Revision Application No.560 of 2018. In the said Revision Application, deposit of arrears of the amount was placed as a precondition for hearing of the revision.

5. Being aggrieved, Criminal Appeal referred to above was taken to the Hon'ble Apex Court and the order passed by the Court is already reproduced above.

6. The second order of which the disobedience is alleged is the order dated 3rd August, 2019. Pertinent to note that the said

order is passed below Exhibit 30 i.e. on an application preferred by the wife for issuance of arrest warrant against the respondent on account of arrears of Rs.60 lakhs. This order was passed on 3rd August, 2019. Subsequent to this, is the order passed by the Hon'ble Apex Court on 4th October, 2019 where the Hon'ble Apex Court had modified the direction issued by the High Court and it also clarified that deposit of the amount of Rs.21.6 lakhs in the High Court shall be taken as due compliance of the direction issued by the High Court. It directed the Criminal Revision Application to be taken up for hearing and with a caveat that same should be done without insisting upon any further deposits in the matter.

7. In such circumstances, there is no disobedience as alleged by the petitioner of the aforesaid orders passed by the Family Court in view of the direction passed by the Hon'ble Apex Court on 4th October, 2019. There is no justification for invoking the contempt jurisdiction of this Court. Necessarily, the contempt petition stands dismissed.

8. The parties are at liberty to move the Roster Bench for hearing of the Criminal Revision Application No.560 of 2018.

(SMT.BHARATI DANGRE, J.)