

Bhalchandra
G. Dusane

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Bhalchandra G.
Dusane
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.2281 OF 2018
ALONGWITH
INTERIM APPLICATION (ST.) NO. 94757 OF 2020**

Mr. Nimish Rasik Shanghvi Petitioner

Vs.

Mrs. Parul Shanghvi Respondent

Mr. Murtuza Nazmi a/w Kunal Kanugo a/w Ms. Rhea Garg i/by Cogito
Legal for Applicant in IA and for Respondent in WP

None for Respondent in IA.

Coram : NITIN W. SAMBRE, J.

Date : 6th NOVEMBER, 2020

P.C.:

1. Vide order impugned dated 13th June, 2017, the Family Court, Mumbai directed the Petitioner to pay to the respondent and children an amount of Rs.20,000/- per month towards rent of the premises, in addition to, Rs.10,000/- per month to each of the respondent and children towards the maintenance.

2. While arguing this petition on 5th March, 2018, a statement is recorded by this Court that the petitioner is paying Rs.20,000/- per

month towards rent and as such this Court directed the petitioner to file an affidavit giving details of the amount/the payment made to the wife towards maintenance of children including the payment of educational and other expenses in tabular form. In the backdrop of the statement made by the learned counsel for the petitioner that he is paying Rs.20,000/- per month towards rent, this Court stayed the execution proceedings, which order is enjoyed by the petitioner till this day.

3. Learned counsel for the respondent-wife has made a grievance that the aforesaid statement made as regards payment of rent of Rs.20,000/- per month is incorrect as the amount of Rs.20,000/- of rent was neither paid pursuant to the order dated 13th June 2017 nor the affidavit disclosed any such payment.

4. This Court granted time to the petitioner to demonstrate compliance of the order of payment of rent or to honour the statement made on behalf of the petitioner about payment of rent, however the petitioner has not come out with any satisfactory explanation or compliance.

5. In that view of the matter having regard to the fact that the petitioner has made incorrect statement before this Court about payment of rent, the interim relief stands vacated. As a consequence of above conduct, the petition itself does not deserve any consideration, same is as such dismissed.

6. It is open for the respondent to execute the order passed by the Family Court thereby directing the payment of maintenance.

7. In view of dismissal of the Writ Petition, the Interim Application does not survive, the same is accordingly disposed of.

(NITIN W. SAMBRE, J.)