

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.536 OF 2018

Ms. Chandrawati D/o. Awdhesh Kumar
Pandey

..

Petitioner

Vs.

Shrikant Surajdev Tiwari

..

Respondent

...

Ms. Kirti Ahuja for the Petitioner.

Mr. Pandit Kasar for the Respondent.

The Petitioner and the Respondent are present in court.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 27th FEBRUARY, 2020.

P.C:-

1. The present Contempt Petition is taken out by the Petitioner-wife alleging disobedience of the judgment/order passed on 11/04/2018. By the said judgment, the marriage between the Petitioner and the Respondent is dissolved. A direction is issued to the Respondent to pay an amount of Rs.40

lakhs to the Petitioner-wife as permanent alimony in two installments within two months from the date of the said order by way of Demand Draft. It is this order which according to the Petitioner has been willfully flouted and gave rise to the present Contempt Petition.

2. I have perused the orders passed by my predecessors on the earlier occasions including order dated 16/10/2019 and the further modified order dated 12/12/2019. A direction issued to the Union Bank of India to transfer an amount of Rs.27,000/- to the Petitioner's account every month from the pension account of the Respondent on the 5th day of each calendar month has not fructified in view of the fact that an appropriate living certificate which is required to be deposited by the Respondent with the bank has not yet been done. Learned counsel for the Respondent, after obtaining necessary instructions from the Respondent, who is present in the court, makes a statement that the necessary certificate would be arranged for, within a period of two weeks from today so that the compliance of the order can be ensured.

3. At this stage, when it is noted by me that the amount of pension that is received by the Respondent is Rs.37,000/- per month and the court has directed remittance of Rs.27,000/- from the pension account of the Respondent to the Petitioner towards

her maintenance and when the imbalance was brought to the notice of the Petitioner, who is present in the Court, she has gracefully consented that the amount may be reduced to Rs.20,000/- per month, the only stipulation in according the concession is that the amount must come regularly on monthly basis.

4. Learned counsel for the Respondent submits that he has already assailed the judgment dated 11/04/2018 before the District Court at Pune and it is awaiting its turn for adjudication. Learned counsel for the Respondent on instructions from the Respondent undertakes to this court that the Respondent will continue to deposit the slashed amount of Rs.20,000/- into the account of the Petitioner by following the arrangement provided by this court in its order dated 12/12/2019 with the modification as to the amount being Rs.20,000/- and with the further modification that it would be deposited on or before the 10th day of each calendar month. With this modification the order dated 12/12/2019 would be abided by the Respondent.

5. The compliance of this order would continue till any relief is obtained by the Respondents in the Appeal which he has instituted before the District Court, Pune. Accepting the undertaking of the Respondent as an undertaking given to this court and in the light of the difficulties expressed by the

Respondent, this court is of the opinion that the magnanimity shown by the Petitioner should be duly respected by the Respondent and he would abide by the statement made by him to this court today. Accepting the said statement, the Contempt Petition stands disposed of.

6. The Union Bank of India who had undertaken before this Court on 12/12/2019 to transfer the amount of pension to the Petitioner's account from the pension account of the Respondent should continue to comply with the said undertaking and would not create any obstacle in whatsoever manner in the amount being transferred.

7. The observations made by this court while disposing the Contempt Petition would not influence the court while dealing with the Appeal filed by the Respondent before the District Court, Pune.

[SMT. BHARATI DANGRE, J.]