

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

**CONTEMPT PETITION NO. 27 OF 2019
IN
CRIMINAL WRIT PETITION NO. 2378 OF 2021 (FILING)**

Gajanfar R. Chamanshaikh	... Petitioner
<i>Versus</i>	
Anuradha Chamanshaikh	...Respondent

Mr. Ravi Shet, Advocate *for the Petitioner.*

CORAM: MANISH PITALE, J
DATED: 9th December, 2021

P.C.

1. In pursuance of the last order dated 24.11.2021, today, when the Petition is called out for hearing, the learned Counsel appearing for the alleged Contemnor, handed over an affidavit along with a medical certificate concerning the medical condition of the alleged Contemnor. The said affidavit is taken on record and marked 'X'.

2. It is stated in the affidavit that although the alleged Contemnor was earlier working as a Medical Representative but, due to his ill health, he has lost employment and, as on today, he is unemployed and living at his native place at Sangli. It is further stated that he is suffering from sickness due to which he is unable to walk properly. A Medical Certificate dated 06.12.2021 issued by Consulting Orthopaedic Surgeon at Sangli, states that the alleged Contemnor is having limping gait with tingling numbness in the lower limbs with

instability whilst walking due to his health condition and that he is not fit to do any kind of field job although he can do sedentary job.

3. The present Contempt Petition was initiated in the backdrop of an undertaking given by the alleged Contemnor to this Court to clear alleged arrears of maintenance in the present case. The undertaking was violated. Later, an application was filed for withdrawal of the Writ Petition itself whereby the alleged Contemnor had challenged orders passed by the Court below directing him to pay monthly maintenance to the child.

4. On 13.11.2019, the Writ Petition was dismissed for want of prosecution although the present suo motu proceedings for contempt continued before this Court.

5. Learned Counsel has entered appearance for the alleged Contemnor and in pursuance of the order dated 24.11.2021, the said affidavit has been placed on record.

6. This Court is of the opinion that considering the statement made on affidavit that the alleged Contemnor is today unemployed and there is a medical certificate annexed with the affidavit showing that it would not be possible for him to look for a job similar to the job of Medical Representative done earlier, that the present Contempt proceeding can be dropped.

7. Accordingly, the contempt notices initiated suo motu by this Court are dropped and the Contempt Petition stands disposed of.

8. Needless to say, the Respondent in the original Writ Petition will be at liberty to execute the orders passed in favour of the minor child by instituting an appropriate Execution Proceeding.

MANISH PITALE, J

ANDREZA PEREIRA Digitally signed by ANDREZA
PEREIRA
Date: 2021.12.09 16:11:14 +05'30'