

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.95 OF 2012**

Capt. Arun Sethi ... Appellant
Versus
Rita nee Gujral Sethi & Ors. ... Respondents

WITH
FAMILY COURT APPEAL NO.138 OF 2012
WITH
CONTEMPT PETITION NO.9 OF 2014
WITH
CONTEMPT PETITION NO.8 OF 2014
WITH
CONTEMPT PETITION NO.10 OF 2014

Capt. Arun Sethi @ Harun Al Rashid Al Khadoun Al Sethi, Appellant, present in person.

Mrs. Mrinalini Deshmukh with Mr. N.N.Gawade, Ms. Manisha Mane i/by Sanjay Udehshi and Co., for Respondent No.1 in FCA 95 of 2012 and 138 of 2012.

Mrs. Aparna Klathil with Ms. Prerana Dhoke, for Respondent Nos.4 and 5 in CP Nos.8, 9 and 10.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**
DATE : 29th NOVEMBER, 2021

P.C. :

1. Capt. Arun Sethi who has given his full name as “Capt. Harun Al Rashid Al Khadoun Al Sethi (at page 13 of 20 of the compilation tendered in Court), has filed an appeal being Appeal No. 95 of 2012, against an Order passed by the Learned Judge of the Family Court Mumbai at Bandra, in Divorce Petition No.A-1845 of 2005 filed by the Appellant under Section 13(1)(ia) of the Hindu Marriage Act, 1955, dismissing the said Divorce Petition on the ground that the Appellant **has failed to prove** that the

Respondent wife has treated him with cruelty; that she has deserted him continuously for more than two years before presentation of the Petition without sufficient reason or cause and that he is therefore not entitled to a decree of divorce.

2. The Appellant has also filed Family Court Appeal No.138 of 2012 challenging the Order dated 16th August, 2012, passed by the Family Court Mumbai at Bandra, in Petition No.E-81 of 2010, which was filed by the Appellant under Section 125 of the Code of Criminal Procedure, seeking maintenance of Rs.50,000/- per month from his sons. The Appellant has also filed Contempt Petition Nos. 8, 9 and 10 of 2014.

3. The above Family Court Appeals as well as Contempt Petitions first appeared on our Board on 30th September, 2021. On that day, the Appellant mentioned the above matters even before the matters on the Cause List were called out and sought an adjournment on the ground that he was not feeling well. In view thereof, we adjourned the matters to 6th October, 2021 and made it clear that no adjournments will be granted on that day unless absolutely necessary. On 6th October, 2021 when the above matters were called out before us, the Appellant submitted before us that since his matters are very sensitive, he has submitted an Application to the Learned Chief Justice to place these matters before the Bench headed by the Chief Justice. We therefore, adjourned the matters to 21st October, 2021, with a clarification that if the Appellant fails to produce before this Court an order of the Learned Chief

Justice on the adjourned date, this Court will proceed with the hearing of the above matters without any further adjournments.

4. After we passed the Order dated 6th October, 2021, the Appellant on 20th October, 2021 forwarded to us his representation dated 20th October, 2021, addressed to the Learned Chief Justice, making certain allegations and stating therein that he will not appear before this Bench and that it is only the Chief Justice who should hear his matters. Since the Learned Chief Justice by an Administrative Order dated 20th October, 2021 rejected the Application filed by the Appellant, these matters once again appeared before us on 21st October, 2021. The Appellant failed to remain present before this Court on 21st October, 2021. However, as a last chance and only by way of indulgence, we adjourned the matters to 26th October, 2021, to enable the Appellant to proceed with the above Appeals as well as Contempt Petitions filed by him. It was also made clear in our Order that if the Appellant fails to appear before this Court on 26th October, 2021, and further fails to proceed with the above matters filed by him, the Court will have no other alternative but to dismiss the above Appeals and necessary orders in the Contempt Petitions filed by him would be passed. Since the Appellant was not present before the Court, the Registry as well as the Private Secretary of S.J.Kathawalla, J. were directed to forward a copy of the Order dated 21st October, 2021 to the Appellant on his email and to also send an SMS to the Appellant informing him that the above matters are placed before this Court for hearing on 26th October,

2021.

5. After the Order dated 21st October, 2021 was forwarded to the Appellant, he again circulated a compilation running into several pages written in his own handwriting, dated 25th October, 2021, wherein he has made baseless and scandalous allegations against, S.J.Kathawalla, J., the Learned Chief Justice of this Court and another Judge of this Court. In that Letter, the Appellant also stated that he should be given time upto 21st November, 2021 to enable him to proceed with the matters.

6. On 26th October, 2021 when the above matters were called out, the Appellant handed over another submission to us, stating that he has lost faith in this 'Cruel Division Bench' and therefore, the Bench should recuse itself from hearing his matters. This Court in its Order dated 26th October, 2021, recorded that the modus of the Appellant since the past several years is to make scandalous allegations against the Judges who are hearing his matters as well as the Advocates representing his opponents. The request of the Appellant was rejected on the ground that only because a party chooses to make scandalous allegations against the Judges hearing his matter with an intention to exert pressure on them to remove the same from the cause list of that Judge/s, the same cannot be acceded to. We therefore, called upon the Appellant to proceed with the matters. The Appellant thereupon stated that he is not feeling well and wants to 'apply his mind'. The matters were therefore, adjourned to 22nd November, 2021, with a clarification that no further adjournments shall be granted to

the Appellant. This Court also recorded in its Order dated 26th October, 2021, that since the Appellant time and again states that he is unwell and is therefore unable to proceed with his matters, he may make alternate arrangements to ensure that the above matters are proceeded with on the adjourned date, in the event that he is feeling indisposed to proceed with the same himself, as the said excuse will not be considered by this Court in future for granting any further adjournments to the Appellant.

7. Despite the above clarification, on 22nd November, 2021 the Appellant mentioned the above matters before the matters on the Cause List were taken up and informed the Court that he wanted to commence his arguments today, however, he is not feeling well and undertakes to commence his arguments on 29th November, 2021. The undertaking was accepted and the matters were adjourned to 29th November, 2021 i.e. today.

8. Today, the Appellant has at the outset, submitted a hand written note in point form dated 29th November, 2021, the contents of which are irrelevant for the purpose of deciding the above Appeals. He has read out his entire note in Court. He was not stopped by us since we felt that after reading the said note, he will address us on the merits of the case. However, he thereafter, submitted photographs of his sister – Anjali Puri, who unfortunately passed away on 8th December, 2012 due to brain tumor. The Appellant thereafter, took us through a Public Notice which was published on 12th March, 2007 by the Advocate's of his mother – Kanta Sethi, stating

that she had disowned and severed all relations with her two married daughters namely Anjali Puri and Arti Markandya and that she is residing with only her daughter-in-law and her grand-sons in the tenanted premises described therein. He thereafter, started reading a letter signed by him purportedly addressed to his mother, wherein certain serious allegations are made by him against his mother, father and his wife – the Respondents herein.

9. The Appellant thereafter, informed the Court that he is a founder President of an organization named, “पुरुष व परिवार अधिकार संरक्षण संगठान (PROTECTION OF MEN’S RIGHTS ORGANIZATION) (POMERO)”. He has placed the photograph of the card pertaining to his Organization on almost every page of the compilations submitted by him. A copy of the same is reproduced hereunder :



10. He thereafter, informed us that his Organization wants to “induct Sections 498 B, 498-C, 498-D, 498-D, 498-E with 498-A, IPC” under the head “Cruelties by Women, Cops, Judges and Advocates”. He gave us a compilation of

certain cartoons showing how males are traumatized by 'Hitlarian wives' and how the provision of Section 498 A IPC is abused. He has submitted a compilation of articles including newspaper articles and has on almost every page of the compilation written "Cruelty Thy name is Women". On almost every page, he has typed/printed/written "Induct Sec. 498-B, 498-C, 498-D, 498-E with 498-A, IPC, Cruelties by Women, Cops, Judges and Advocates".

11. Upon realizing that the Appellant is only wasting the time of the Court by not arguing his Appeals, but by only making derogatory statements against women, including his own mother and wife, judges, lawyers etc., we called upon the Appellant to come to the impugned Orders and address us as to why the same should be set aside. The Appellant informed us that he would first like to go through a note/compilation running into 20 pages which he has prepared and thereafter, he would come to the impugned Orders. In the said Note, he has not set out the grounds on which he is impugning the Orders passed by the Learned Family Court. Instead he has only made contemptuous statements against the Learned Judges who have passed Orders against him in the past and has also claimed compensation of Rs.1,00,000/- per annum from the Learned Judge/s who has/have passed the impugned Order/s (para 5 page 7 of the note); made allegations against the sitting Judge of this Court; and has asserted that bachelor and spinster judges cannot be made to sit in judgment in sensitive family matters. He has alleged that cops, judges and advocates must be

prosecuted without any sanction from the concerned authority (page 9 of the Note). He has also commented about the Collegium System being followed in the Country (page 10 of the Note). He has again made contemptuous statements against several judges which are not required to be reproduced herein (page 12 of the Note).

12. When we told the Appellant that what he has written in the Note and what he is reading from the Note before us, apart from being defamatory and contemptuous, is not relevant for deciding the above Appeals/proceedings and asked him to start reading out the impugned Orders, he stated that he does not have his Appeal papers with him. When we inquired why that was so, when in fact he has come to argue the appeals before us, he stated that, "I do not have the appeal papers with me, if you want you can give me time or if you want, you can dismiss the Appeals." Despite his derogatory and contemptuous conduct, we asked him whether he wants us to appoint an Advocate to represent him in the above matters, to which his answer was an emphatic 'NO'. We are therefore convinced beyond any doubt that the Appellant does not want to argue his Appeals which are pending before this Court since the year 2012 and the Contempt Petitions filed by him which are also pending since the year 2014. From the above mentioned conduct of the Appellant it is very apparent that he only wants to play to the gallery, make defamatory and contemptuous allegations against his wife, his mother, his children, the police, lawyers, judges and many more. We have given enough opportunities to the Appellant, as set out

hereinabove, to proceed with the Appeals. However, he is determined not to do so. Though, he has time and energy to repeatedly make compilations running into several pages, containing defamatory and contemptuous material, including cartoons and couplets, he repeatedly refuses to argue the above Appeals and Petitions which are pending before this Court since almost a decade, on the pretext of his bad health/sickness.

13. For the aforestated reasons, we are constrained to dismiss the above Appeals as well as Contempt Petitions filed by the Appellant and the same are accordingly dismissed.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)