

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.170 OF 2021**

Ujwala Mahesh Jadhav

....Petitioner

V/s.

Mahesh Wamanrao Jadhav

...Respondent

WITH
INTERIM APPLICATION ST.NO.8872 OF 2021
WITH
INTERIM APPLICATION ST.NO.8877 OF 2021
IN
FAMILY COURT APPEAL NO.13 OF 2012

Mr. Pradeep Havnur a/w Ms Prajakta Jagtap for Petitioner / Appellant
Mr. Anul Tiwari i/b Ms Sangeeta Salvi for Respondent in CP/170/2021

**CORAM : K.R. SHRIRAM &
MILIND N. JADHAV JJ
DATED : 13th JULY 2022**

P.C. :

1 There is a contempt petition and two interim applications alongwith the main appeal listed today. Mr. Havnur submitted that respondent by not paying the maintenance of Rs.20,000/- + Rs.20,000/- towards rent directed to be paid by this court by order dated 13th August 2015 and order dated 9th August 2019, has committed contempt. To the petition is annexed an email dated 5th May 2021 from respondent's advocate to petitioner's advocate. In the said communication, respondent's advocate has informed petitioner's advocate that respondent has been paying a reduced amount on her advise because respondent has retired and was unemployed. In fact there is also an application pending for modification of the amount awarded

by the said two orders dated 13th August 2015 and 9th August 2019, of which contempt is alleged. Therefore, we cannot conclude that there has been a deliberate or willful disobedience of the orders passed by this court. Contempt petition would, therefore, not survive. Contempt petition rejected.

2 At the same time, Mr. Havnur mentioned that he would speak to Ms. Sarnaik, counsel for respondent to explore the possibilities of settling the matter. Mr. Havnur requests the matter be stood over to 3rd August 2022.

3 Notwithstanding the disposal of the contempt petition, respondent shall strictly and meticulously comply with the order dated 26th February 2022 which for ease of reference is reproduced below:

“Let Affidavit-in-Reply be filed on behalf of the Respondent- Husband setting out the details as to the last salary received by him and total entitlement of retiral benefits and the amount received and yet to be received by him from the Western Railway and investments made. The Respondent-Husband shall also annex a copy of the Statement of Bank Account, in which the Respondent received the salary, pension and retiral benefit amount.

2. Such Affidavit-in-Reply to be filed before the next date with a copy to the other side.

3. List the Contempt Petition on 14 March 2022.”

Affidavit to be filed and copy served within four weeks from today.

4 Paragraphs 3, 4, 5 and 6 of order dated 27th January 2015 reads as under:

3. To avoid any controversy, we propose to call upon the Western Railways to submit all the details of the salary and other allowances and remuneration payable to the husband from 11th October, 2013 onwards upto date.

4. Hence, we direct the Registry to issue a notice to the General Manager of Western Railways having office at Churchgate, Mumbai calling upon the Western Railways to produce the following information before this Court :

A] Whether the quarters bearing No.75/A, Western Railways Quarters at Vile Parle, Mumbai 400 057 have been regularised in the name of the husband Mr. Mahesh Wamanrao Jadhav. The Western Railways to disclose whether the husband Mahesh Wamanrao Jadhav is entitled to occupy the said quarters as a matter of right;

B] All details regarding salary and other allowances including bonus, if any, paid to the husband Mahesh Wamanrao Jadhav from October, 2013 till January, 2015;

C] Allong with the aforesaid information, copies of the necessary documents in support shall be enclosed by the Western Railways. The notice to Western Railways is made returnable on 23 rd February, 2015.

5. We allow the parties to serve an authenticated copy of this order to the General Manager of the Western Railways who shall act upon the same.

6. We make it clear that as far as Civil Application No.64 of 2014 and 359 of 2014 are concerned, the submissions have been concluded and the further submissions will be confined to the information which may be supplied by the Western Railways. Further submissions will be heard on Civil Application No.30 of 2015 on the next date. Place all the Civil Applications on 23 rd February, 2015. Even Civil Application No.19 of 2013 shall be taken up on that date. In the meanwhile, we grant time to the husband to file reply to the Civil Application No.30 of 2015. Reply shall be filed on or before 10th February, 2015.

5 Mr. Havnur states that respondent has filed an affidavit stating that Western Railway has not paid all the dues and relies on the affidavit dated 10th March 2022 filed by respondent. Respondent retired from the services of Western Railways on 28th February 2021. Western Railway to provide details, containing the last salary paid and total entitlement of retiral benefits and the amount paid and yet to be paid. If the amounts are not paid, give reasons for not paying, by addressing a communication to the Registrar (Judicial) High Court, Bombay, Appellate Side. This

communication from Western Railway shall be signed by a person not below the rank of Assistant General Manager. The same shall be provided within 4 weeks of receiving a copy of this order from advocate for petitioner. Copy of this communication from Western Railway shall also be provided to advocate for petitioner and advocate for respondent. Mr. Havnur undertakes to provide the address of advocate for respondent in the forwarding letter to Western Railway.

6 Stand over to 3rd August 2022.

(MILIND N. JADHAV, J.)

(K.R. SHRIRAM, J.)