

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3824 OF 2022

Bhartendra Kumar Gupta ... Petitioner

V/s.

Surabhi Bharatendra Gupta ... Respondent

Ms. Astha Tahmankar a/w Ms. Khursheed Vajifdar &
Ms. Rahat Kalpatri i/by Legasis Partners for the
petitioner.

Ms.Persis Sidhva for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 5, 2023

P.C.:

1. The petition is directed against an order directing the husband to deposit arrears of maintenance to entertain challenge in relation to the direction to the husband to pay maintenance and educational expenses of the children and pocket money of the elder child.

2. The learned Family Court by the impugned order directed the petitioner to deposit entire arrears before the review application is entertained.

3. According to the petitioner, such direction is unreasonable as the statutory right of the petitioner to file review cannot be taken

away by imposing such unreasonable condition.

4. The petitioner has invoked writ jurisdiction of this Court under article 227 of the Constitution of India. To entertain challenge to the order passed by the learned Family Court, this Court while exercising extraordinary constitutional power can always put the parties to terms which are necessary in the interest of justice. Since the direction which is challenged in the petition meets substantial justice, in my opinion, the petition can be disposed of by directing the petitioner to deposit arrears in terms of order impugned within one (1) week from today.

5. If the petitioner deposits the arrears of amount as directed by the learned Family Court, the learned Family Court shall decide the review application in accordance with law.

6. The writ petition is disposed of in above terms. No costs.

(AMIT BORKAR, J.)