

AGK

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

WRIT PETITION NO.8627 OF 2022

Anil Gopal Bhatia

... Petitioner

V/s.

Kashish Anil Bhatia & Anr.

... Respondents

Ms. Chaula Solanki with Mr. H.H. Nagi, Ms. Rinky Kanojia and Ms. Lavanya Pillai i/by Nagi & Associates for the petitioner.

Mr. Raju M. Yamgar for respondent no.1.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2023

P.C.:

1. The petitioner/husband is challenging order of payment of amount of Rs.2,41,583/- towards educational expenses of the daughter for standards IX and X in ten (10) equal installments within ten (10) months from the date of the order. The Family Court directed educational expenses of Rs.2,41,583/- based on the receipts of expenses produced by the wife.

2. Learned advocate for the petitioner submitted that the amount of Rs.42,700/- for academic years 2018-2019 and 2019-2020 had already been paid by virtue of order dated 16th November 2019. She invited my attention to page 88 wherein the

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2023.01.31
16:19:08
+0530

wife claimed amount of Rs.22,000/- towards educational expenses.

3. Learned advocate for the wife submitted that the amount of Rs.22,000/- mentioned at page 88, i.e., order dated 16th November 2019 are educational expenses for standards VII and VIII of the child and it has no bearing on the amount claimed in the application below Exhibit 87.

4. Having considered the submissions made on behalf of both sides, in my opinion, the submission made by the learned advocate for the petitioner is misleading. Learned advocate cannot play hide and seek with the Court. Advocate being officer of Court owes duty towards Court first and then to the clients. While arguing the matters before Court, it is obligatory on the part of the advocate to maintain decorum and make responsible submissions. Factually incorrect submissions lead to wastage of time of the Court. It is only after hearing learned advocate for the respondent and going through the material, it is revealed that the submission is factually incorrect. Such conduct cannot be countenanced.

5. On perusal of the impugned order, it appears that the educational expenses are claimed based on receipts of expenses. The Family Court was, therefore, justified in directing the petitioner to pay amount of Rs.2,41,583/- towards educational expenses of daughter for standards IX and X in ten (10) equal installments.

6. There is no miscarriage of justice. The writ petition is, therefore, dismissed. No costs.

7. Wife is permitted to withdraw the amount deposited by the husband.

(AMIT BORKAR, J.)

Note: This order is modified pursuant to the praecipe to correct the name of the respondent. The correction is shown in bold and italics.