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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4841 OF 2023**

Mrs. Riddhi Trupesh Trivedi	...Petitioner
Nee Riddhi D/O Hareshbhai Trivedi	
<i>Versus</i>	
Mr. Trupesh Rajendra Trivedi & Anr.	...Respondent

Mr Ravi P Kadam, *for the Petitioner.*
None for the Respondent.

CORAM Neela Gokhale, J.
DATED: 19th August 2023

PC:-

1. Mr. Ravi Kadam appears for the Petitioner/wife. None appears for the Respondent/Husband despite notice of this Court. The Petitioner has also served the Respondent through private notice. The Petitioner is directed to place the affidavit of service on record during the course of the day.
2. The Petitioner has assailed the order dated 16th February, 2022 passed by the Family Court, Mumbai at Bandra whereby she was directed to deposit Rs.40,000/- towards costs for delay in filing her Written Statement. She has now filed her Written Statement

after depositing the said amount of Rs.40,000/- in the Family Court, Mumbai at Bandra.

3. It is the contention of the Petitioner that she resides at Bhiloda in Gujarat and hence, she was unable to attend divorce proceedings in the Family Court in Mumbai at Bandra.

4. It appears that she had also filed a transfer Petition in the Supreme Court but the same was dismissed, however, with a direction to the husband to bear the expenses of the wife to attend the proceedings in the Family Court at Mumbai.

5. In the meantime, the Family Court of Mumbai passed an order of “No Written Statement” on 14th September, 2018. It is the case of the Petitioner that she is unemployed and she has also filed a complaint under the Protection of Women from Domestic Violence Act, 2005 before the Metropolitan Magistrate Court at Bhiloda in Gujarat in which husband was directed to pay maintenance of Rs.14,000/- per month. However, he has not paid any amount in compliance of that order. The Petitioner says that in fact he had preferred an appeal against the said order in the Gujarat High Court but the appeal came to be dismissed.

6. Having considered the facts in the present proceeding, I am of the view that since the husband has failed to pay a single rupee to the Petitioner/wife towards maintenance, in compliance with the orders of the learned Metropolitan Magistrate of Bhiloda, the amount of Rs.40,000/- towards cost of delay in filing Written

Statement appears exorbitant. It is well within the jurisdiction of the Family Court to impose appropriate costs for delay in complying with its order, however, in view of the facts in the present case, it will meet the ends of justice if costs are reduced to Rs.20,000/-. The Petitioner/wife is thus permitted to withdraw an amount of Rs.20,000/- from the Family Court. The Written Statement filed by the Petitioner/wife in the Family Court may be taken on record.

7. The Petition is disposed of, in terms of the above direction.

(Neela Gokhale, J)