



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14867 OF 2023

Mr. Saikat Bandyopadhyay.

... Petitioner.

Versus

Mrs. Moushami Bandopadhyay

... Respondent.

Mr. Ajinkya Udane i/by Mr. Yogendra M. Kanchan, for Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 24, 2024

P. C.:

1. None appears for the Petitioner.
2. Learned counsel appointed for the Respondent submits that notice of today's circulation was given to the counsel for the Petitioner, however, he has expressed his inability to remain present.
3. Learned counsel for the Respondent further submits that by order dated 11th July, 2023, the Petitioner-husband was directed to pay overdue amount on the home loan within one month from today and to continue to pay EMIs regularly till the decision of main application. He submits that as there are non-compliance of the order dated 11th July, 2023, the Debt Recovery Tribunal has

permitted the auction of the property.

4. In the present Petition, what has been challenged by the petitioner is the impugned order dated 9th October, 2023, granting maintenance of Rs.20,000/-p.m. to the Respondent-wife and Rs.20,000/-p.m. to the child-Hrishit till the final decision. Learned counsel for the Respondent submits that no payments have been paid and there are arrears of about Rs.18,63,000/-. He further submits that the execution proceedings filed by the Respondent-wife are not proceeding further by reason of pendency of the present Petition. Learned counsel for the Respondent also tenders salary slip of August, 2023 of the Petitioner, which indicates that his salary is almost Rs.2,61,000/-.

5. Despite earning such huge amount, no efforts are made to comply with the directions of payment of maintenance of Rs.40,000/- p.m. to the Respondent-wife and the child. It is not disputed that in this proceeding, there is no stay granted to the impugned order. On the contrary, by order of 5th January, 2024, this Court had granted liberty to the Petitioner to comply with the directions given in the impugned order. It appears that, there is non-compliance of the order of maintenance as well as the order

directing the payment of home loan and the payment of EMIs. No reason has been shown atleast in the Petition for non-compliance of the order. In fact, the order directing the payment of EMIs is not the subject matter of challenge and as such, the Petitioner was liable to comply with the said order. The Petitioner by his conduct has almost rendered the Respondent-wife shelter-less as at any point of time, the house where she is residing along with her son will be auctioned and only two months' time is given to her to vacate the house.

6. Considering the conduct of the Petitioner, I am not inclined to interfere with the impugned order. Petition stands dismissed.

7. This Court is informed that there is an application for attachment of salary of the Petitioner-husband in execution proceedings. The trial Court, considering the position that the Respondent-wife is now facing of her house being auctioned, is requested to decide the Execution Application expeditiously and in any event within a period of two weeks from today.

(Sharmila U. Deshmukh, J.)