

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13750 OF 2024
IN
FAMILY COURT APPEAL NO. 31 OF 2020

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Mrs. Reshita Sandip Chakrabarty

...Petitioner

Versus

Dr. Sandip Mrinmoy Chakrabarty

...Respondent

WITH
INTERIM APPLICATION NO. 190 OF 2019
WITH
INTERIM APPLICATION NO. 596 OF 2019
WITH
INTERIM APPLICATION NO. 597 OF 2019
IN
FAMILY COURT APPEAL NO. 31 OF 2020

Mr. Sanjay Bhojwani *with Mr. Naresh Parihar, for Applicant-wife.*

Adv. Manjula Rao *with Mr. Kunal J. Rane, for Respondent-Original Appellant.*

Mrs. Reshita Chakrabarty, *Applicant/Orig. Respondent present in Court.*

Mr. Sandip Chakrabarty, *Respondent/Original Appellant, present in Court.*

CORAM: B. P. COLABAWALLA &

SOMASEKHAR SUNDARESAN, JJ.

Date : December 2, 2024

P. C.

1. The above Interim Application has been moved urgently by the Applicant/Respondent-wife because according to the Applicant (Original

Respondent), the Appellant-husband has not paid the university fees and accommodation charges payable to Nottingham University for the education of their son Krishna for the Academic Year 2024-25. A sum of GBP 26,500 is in relation to the university fees and GBP 7,547 is in relation to the accommodation. The amounts due towards the fees as well as the accommodation are also annexed at pages 291 and 292 of the additional affidavit of the Applicant dated 14th October, 2024. Page 291 deals with the fees payable to the said university and reflects that the fees of the child Krishna due on : (i) 16th October, 2024 are GBP 9,010; (ii) 22nd January, 2025 are GBP 8,745 and; (iii) 7th May, 2025 are GBP 8,745. As far as the accommodation is concerned, the total amount to be paid in three installments are : (i) GBP 2,523.94 due on 20th September, 2024; (ii) GBP 2,523.94 due on 15th January, 2025; and (iii) GBP 2,499.44 due on 30th April 2025.

2. The Learned Senior Counsel appearing on behalf of the Appellant-husband, fairly stated that as far as the fees that are payable to Nottingham University are concerned, the same would be paid as this relates to the education of the child and a similar order was also passed by this Court on 20th December, 2023 for the Academic Year 2023-24. She also fairly pointed out that the order of this Court of 20th December, 2023 was challenged before

the Hon'ble Supreme Court without any success. In these circumstances, she fairly submitted that the fees of the university would be paid as per the same arrangement that was arrived at in the order passed by this Court on 20th December, 2023. The said statement is duly accepted as an undertaking to this Court.

3. The Learned Senior Counsel for the Appellant-husband, however, vehemently opposed the grant of any payment towards the accommodation. She submitted that for the previous Academic Year, the accommodation cost was GBP 5,764 and the same has now increased to GBP 7,547. In other words, the costs of accommodation has gone up by GBP 1,783. She submitted that if one peruses page No. 292 of the additional affidavit, it is clear that the room type selected by Krishna (the child) is a large standard bedroom and which would be more than what would be necessary. Further she submitted that before Krishna opted for this large standard bedroom, the Appellant-husband was not even consulted. For all these reasons, she submitted that the payment for accommodation ought not to be foisted upon the Appellant-husband.

4. We have heard the Learned Senior Counsel on this limited aspect. As mentioned earlier, the costs of accommodation for the previous year was GBP

5,764. In this academic year, the cost of accommodation is GBP 7,547. This is an increase of GBP 1,783, which in rupee terms, would come to approximately of Rs. 2,00,000/-. We do not think that this increase is something that is so exorbitant which would absolve the Appellant-husband from paying the accommodation charges. This is more so when one takes into consideration that this accommodation is allotted to the student by the university and it is not something that is done out of his own choice. When one looks at the larger picture, we do not think that there is any real deviation from the order passed by this Court on 20th December, 2023 and which was challenged before the Hon'ble Supreme Court without any success.

5. Considering these circumstances, we pass the following order :-

a) The Appellant/husband shall pay the Rupee equivalent of GBP 9,010 in the account of the Applicant-wife on or before 16th December, 2024. Once this amount is deposited with the Applicant-wife, she will use this money only for the purposes of paying the fees of Nottingham University and not for any other purpose.

(b) The Appellant-husband shall pay the Rupee equivalent of GBP 8,745 in the account of the Applicant-wife on or before 15th January, 2025. This amount shall also be utilized

by the wife only for paying the fees of Nottingham University and not for any other purpose.

(c) The Appellant-husband shall pay the Rupee equivalent of GBP 8,745 (the last instalment) for Academic Year 2024-25 in the account of the Applicant-wife on or before 1st May, 2025. This amount shall also be utilized by the Applicant-wife only for the purpose of paying the fees of Nottingham University and not for any other purpose.

(d) As far as the accommodation of the child is concerned, the total amount due and payable is GBP 7,574. This is payable in three instalments. In these circumstances, over and above the amounts mentioned above, towards the accommodation, the Appellant-husband shall pay in the account of the Applicant-wife : (i) The Rupee equivalent of GBP 2,523 on or before 16th December, 2024; (ii) The Rupee equivalent of GBP 2,523 on or before 8th January, 2025; and (iii) The Rupee equivalent of GBP 2,499 on or before 23rd April, 2025.

6. The exchange rate for the aforesaid payments shall be taken as on the date when the aforesaid payments are made by the Appellant-husband to the Applicant-wife. This takes care of the immediate issue of making payments of the fees of the university for the child as well as his accommodation. As far as the other prayers are concerned, regarding unpaid maintenance etc., we will consider the same on a later occasion. We now place the above matter on Board for reporting compliance on 16th December, 2024.

7. We make it clear to the Appellant-husband who is present in Court today that if these directions are not complied with, he shall be guilty of contempt for breaching the directions given by this Court.

8. Stand over to 16th December, 2024, “for reporting compliance”.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA]