

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12691 OF 2024

Pallavi Abhishek Keni

.....Petitioner

Vs.

Abhishek Ashok Keni

.....Respondent

WITH

CONTEMPT PETITION ST NO. 25638 OF OF 2024

Abhishek Ashok Keni

.....Petitioner

Vs.

Pallavi Abhishek Keni

.....Respondent

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2024.10.21
13:06:09
+0530

Ms. Latika Belindage advocate for the petitioner in Writ petition and respondent in Contempt Petition

Mr. Suresh M. Sabrad a/w Mr. Amey C. Sawant and Ms. Neha Parte for the respondent in writ petition and petitioner in Contempt Petition

CORAM : GAURI GODSE, J.

DATE : 15th OCTOBER 2024

ORDER:

1. This petition takes an exception to the order dated 2nd April 2024 rejecting petitioner's application to permit her to pay Rs. 2,000/- as a condition for filing the written statement.

2. Learned counsel for the petitioner submits that this Court vide order dated 8th March 2024 had granted two weeks time to the petitioner to pay cost of Rs. 2,000/- as directed by the Family Court vide order dated 26th December 2023. She submits that due to petitioner's father's illness, she was unable to pay the cost within time. She further submits that hence, the petitioner filed an application before the Family Court to permit her to pay the cost.

3. I have perused the papers. It appears that since this Court had granted two weeks time to deposit the cost, the petitioner's application was rejected by the Family Court.

4. Learned counsels appearing for both the parties have their own grievances and versions about each others conduct. However, I am not inclined to examine the grievances of the parties. Learned counsel for the petitioner submits that she had deposited the cost of Rs. 2,000/- by way of cheque, however, now the cheque has become time barred. She submits that now the petitioner shall deposit cost of Rs. 2,000/- by directly depositing the amount in the Family Court on or before the next date i.e. 6th November 2024.

5. The payment of cost was by way of condition to permit the

petitioner to file the written statement in respect of petition for divorce filed by respondent-husband.

6. Considering the nature of dispute between the parties, the petition is allowed by exercising powers under Article 227 of the Constitution of India. The petitioner is permitted to pay cost of Rs. 2,000/- to the respondent by depositing the same in the Family Court, Mumbai on or before 6th November 2024.

CONTEMPT PETITION ST NO. 25638 OF OF 2024:

7. Learned counsel for the petitioner in contempt petition submits that in view of the order passed in the writ petition, the petitioner does not intend to press this contempt petition.

8. I have perused the contempt petition. The contempt petition is filed alleging breach of order dated 8th March 2024 passed in Writ Petition No. 1536 of 2024.

9. In view of order passed by me today in Writ Petition No. 12691 of 2024, nothing survives to be examined in this contempt petition.

10. Contempt petition is therefore dismissed.

[GAURI GODSE, J.]