

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.254 OF 2024

Shital Shashikant Pandit @
Shital Santosh Ghanekar

.. Petitioner

Versus

Santosh Waman Ghanekar

.. Respondent

.....

- Mr. Shreyash Sudhir Butala for Petitioner (through VC)

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 16, 2024

P. C.:

- 1.** Heard Mr. Butala, learned Advocate for Petitioner.
- 2.** Present Contempt Petition is filed for non-compliance of twin orders dated 04.02.2019 and 28.10.2021 by Respondent. Petitioner No. 1 is the wife of Respondent and Petitioner No. 2 is son of Petitioner No. 1 and Respondent. Respondent No. 2 is 9 years old.
- 3.** In Marriage Petition No. 20/2018, learned Trial Court has granted divorce along with a direction to Respondent to pay monthly maintenance of Rs. 10,000/- to Petitioner No. 2 - son through Petitioner No. 1 - wife who is the mother of Petitioner No. 2 and his primary caregiver from the date of passing of that order i.e. 04.02.2019 upto 17.04.2023 when the Petitioner No. 2 shall become major. There is a further direction of payment of costs to the

Petitioner No.1 of Rs. 3000/- in the said order. Said order is appended at Exh. B, page Nos. 34-46 of the Petition.

4. Mr. Butala would draw my attention to the subsequent order dated 28.10.2021 which is appended at Exh. A, page Nos. 27-33 of Petition. He would submit that this order directs payment of Rs. 6000/- per month to Petitioner No. 1 and Rs. 2000/- per month to Petitioner No. 2 towards maintenance from the date of filing of Application i.e. from 12.10.2015 onwards. This order is in the maintenance proceedings under Section 125 of Cr. P .C.

5. Mr. Butala would submit that pursuant to passing of the aforesaid twin orders, Respondent has paid an amount of Rs. 4.08 lacs only till today and there is an outstanding arrears of Rs. 10.16 lacs due and payable to Petitioners. He would submit that there is willful disobedience and dereliction of the orders passed by the Court in the present case. He would submit that it is not the case of Respondent that he does not have money to pay since Respondent is a government employee employed in the Office of the Department of Stamps and Registration, State of Maharashtra. He would submit that at present Respondent is working in the office of Sub-Registrar of Assurances at Palghar.

6. *Prima facie*, after going through the aforesaid averments, it appears that Respondent has derelicted from obeying the orders passed by the Court. In that view of the matter, Respondent is called upon to immediately take cognizance of this order and pay the outstanding arrears immediately.

7. Hence, issue notice to Respondent made returnable on 13.11.2024. Respondent shall comply and remain present in Court on the next adjourned date.

8. In addition to the above, Petitioners are also directed to serve Respondent the copy of Petition along with a copy of this order through any permissible mode of service and file affidavit of service on or before the next date so as to enable the Respondent to purge the contempt.

9. Stand over to **13th November, 2024.**

Amberkar

[MILIND N. JADHAV, J.]

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