
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.281 OF 2024

Arjun Gopalkrishan Seonie & Anr.

.. Petitioners

Versus

Jaya Arjun Seonie

.. Respondent

Mr.Rohaan Cama a/w Anish Karande, Afaq Chogle i/b Sonal Darbar, Advocates for the Petitioners.

Mr.Ghanshyam Mishra a/w Ekta Bhalerao, Advocates for Respondent.

Mr.Arjun G. Seonie, Petitioner No.1-Husband is present in Court.

Ms.Jaya A. Seonie, Respondent-Wife is present in Court.

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE : DECEMBER 20, 2024**

P. C.

1. The above Contempt Petition is filed to hold the Respondent guilty of contempt for breaching the order dated 31st January 2024 passed below Exhibit-8 in Civil M.A. No.94 of 2023. By the said order, the Interim Application filed by the Petitioners was allowed and pending the disposal of the main Application [seeking custody of the 2 minor boys (Aryan & Aariv)], the Respondent-Mother

was directed to allow Petitioner No.1 to take the 2 minor boys overnight every weekend by fetching them at 8.00 a.m. and bring them back the next morning at 8.00 a.m. Further, Petitioner No.1 was also allowed to visit the house of the Respondent-Mother on the birthday of the children, or on holidays, for two hours between 10.00 a.m to 6.00 p.m., as per the convenience of the parties. This order was partially modified by order dated 9th February 2024, where the time for fetching the children was changed from 8.00 a.m. to 4.00 p.m.

2. After we heard this Contempt Petition for some time, Mr.Cama, the learned counsel appearing on behalf of the Petitioners, stated that he has instructions to withdraw the above Contempt Petition. He also stated, on instructions, that the order of which contempt is alleged be set aside and Petitioner No.1 be permitted to make a fresh application before the Court hearing the Custody Petition seeking suitable access (including overnight access) to the children Aryan and Aariv. Mr.Cama, the learned counsel appearing on behalf of the Petitioner further stated, on instructions, that as a good will gesture, the 1st Petitioner shall pay an ad-hoc amount [without prejudice to his rights and contentions] of Rs.40,000/- per month for the next 4 months [towards maintenance of the two boys], and liberty may be granted to

the Respondent to make an appropriate application before the Court in which the Divorce Petition is filed seeking maintenance, if they so desired. He further stated that if such an application is filed it should be left open to the said Court hearing the Divorce Petition as to what maintenance ought to be granted for the children. In other words, Mr.Cama submitted that the Court hearing the Divorce Petition ought to have a leeway to modify the quantum of maintenance.

3. Considering the aforesaid statements made by Mr.Cama, on instructions of Petitioner No.1 who is present in Court, we dispose of the above Contempt Petition by passing the following order:-

(A) As per the statement made by Mr.Cama the above Contempt Petition is disposed of as withdrawn.

(B) With the consent of the parties the order dated 31st January 2024 passed below Exhibit-8 read with order dated 9th February 2024 are hereby quashed and set aside.

(C) Petitioner No.1 is at liberty to file a fresh Interim Application in his pending Custody Petition seeking suitable access to the children Aryan and Aariv,

including overnight access. If such an Application is filed, the Court hearing the Application shall decide the same on its own merits and in accordance with law, uninfluenced by any observations made by us in any earlier orders passed in this Contempt Petition. We however make it clear that no order will be passed in that Application until the Court hearing the same has had a chance to interview the children and keeping the wishes of the children in mind, and also examine whether the children have been tutored or otherwise.

(D) As per the statement made by Mr.Cama, the 1st Petitioner shall pay ad-hoc maintenance [for the two children] of Rs.40,000/- per month for a period of 4 months commencing from the month of January 2025. This payment shall be made on or before the 5th of every month.

(E) The Respondent-Wife is at liberty to make an Application for maintenance for the children as well as for herself before the Court in which the Divorce Petition is pending. If such an Application is filed, the

same shall be decided on its own merits and in accordance with law. We make it clear that the said Court will be free to modify the ad-hoc arrangement arrived at today. In other words, the said Court can either increase the amount, reduce the amount, or decide not to grant any amount whatsoever. Obviously this would be done after hearing the parties on the merits of the matter.

4. Both the parties are directed to co-operate before the Lower Courts not only in the Custody Petition but also in the Divorce Petition so that the matters are not delayed and the Courts below are requested to hear the Applications referred to above as expeditiously as possible.

5. It is needless to clarify that all rights and contentions of both the parties are expressly kept open to be agitated in the appropriate Applications.

6. The Contempt Petition is accordingly disposed of as withdrawn. Liberty to apply.

7. 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, J.]