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

**INTERIM APPLICATION NO. 1337 OF 2024
IN
FAMILY COURT APPEAL NO. 107 OF 2019**

Shevant Y. Kamble

.. Applicant

Versus

Madhumathi S. Kamble

.. Respondent

Adv. Saurabh S. Godbole i/b. Sahil Mahajan for the Applicant-husband.

Adv. Kshitija Sarangi a/w Bhagyashri Mangale for Respondent -wife.

Mr. Shevant Kamble, Applicant-husband is present.

Mrs. Madhumathi Shevant Kamble, Respondent-wife is present.

**CORAM: B. P. COLABAWALLA &
 FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 19, 2024

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 365 days in filing the above application and to recall the order dated 21st December, 2022 passed by this Court dismissing the above Appeal. The above Appeal was dismissed because the Applicant was in arrears for payment of maintenance and further was not contacting his advocate. In fact

in the order, it is recorded that even the advocate's attempts to contact the Applicant have been in vain. In these circumstances, the above Appeal came to be dismissed.

2. As far as the arrears are concerned, the learned Advocate appearing for Respondent-wife has fairly stated that the Applicant-husband has cleared all the arrears up to 4th July, 2024.

3. The learned Advocate appearing for the Applicant has further undertaken to the Court that monthly maintenance of Rs. 15,000/- per month shall be continued to be paid on the 4th day of each month by a direct credit to the bank account of the Respondent-wife, the details of which are already with the Applicant. The said undertaking is accepted.

4. Considering that the arrears have now been cleared, coupled with the fact that an undertaking is given by the Applicant that all arrears shall be paid without any default, we are inclined to condone the delay and restore the appeal to the file of this Court, though we are not fully satisfied with the explanation given in the Interim Application for condoning the delay. However, the delay is condoned and the Appeal is restored to file subject to the Applicant paying costs to the Respondent-wife quantified at Rs. 50,000/- payable on or before 16th August, 2024. This will obviously be in

addition to the monthly maintenance that the Applicant would have to pay starting from 4th August, 2024 onwards.

5. We make it clear that if the above costs are not paid within the stipulated period, the above Interim Application shall stand dismissed without further reference to the Court.

6. The above Interim Application is disposed of in the aforesaid terms.

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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]