



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 72 OF 2025
IN WP/13665/2023

VAISHNAVI/ARUNA MAHINDRA NAIKODI
VERSUS
MAHINDRA DATTATRAYA NAIKODI

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Ms. Akshara Sharad Madake, Advocate for the Petitioner.
Mr. Rajendra S. Kasar, Advocate for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th JULY, 2025.

P.C.:-

1. The present Contempt Petition is filed alleging intentional disobedience and disregard to order dated 07.11.2023 passed by this Court in Writ Petition No.13665/2023. It is contention of petitioner that in spite of specific direction from this Court, respondent failed to deposit maintenance amount. The order alleged to have been violated states as under:

“4. In the mean time there shall be ad-interim relief in terms of prayer clause ‘C’ on following conditions :

(i) That the petitioner shall deposit an amount of Rs.50,000/- (Rs. Fifty thousands only) within a period of four (04) weeks from today in the Court of 15th Jt. Civil Judge S. D. Ahmednagar and the respondent shall be at liberty to withdraw the same.

(ii) That the petitioner shall continue to pay an amount of Rs.5,000/- (Rs. Five thousands only) per month to the respondent punctually.

(iii) Any default may give rise to the respondent to seek modification of the order.”

2. Perusal of order would show that interim relief in terms of prayer Clause (C) was granted by imposing condition upon respondent to deposit amount of Rs.50,000/- within period of four weeks. Further he was directed to continue to pay amount of Rs.5000/- per month. Apparently, non-payment of amount in tune with order passed by this Court would entail vacation of interim relief and petitioner would be entitled to execute order. However, non-observance of order cannot be dealt with as contempt under Section 12 of Contempt of Courts Act or under Article 215 of Constitution of India. The order is executable in nature.

3. In view of the above, there is no merit in Contempt Petition. Hence, Contempt Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE