

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6771 OF 2024

Nitin Dattaji Patil (Bhosale)	...Petitioner
<i>Versus</i>	
Dattaji Kondiba Patil (Bhosale) & Ors.	...Respondents

Mr. Nagesh Y. Chavan, Advocate for Petitioner.
Mr. Sukumar Ghanavat, Advocate for the Respondent.
Ms. S.G. Talhar, APP for State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th February 2025

P.C.:

1. This Court passed following order on 29th January 2025.

“1. Heard Mr. Nagesh Chavan, learned Counsel appearing for the Petitioner and Mr. Ghanavat, learned Counsel appearing for the Respondent Nos. 1 and 2.

2. By the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the legality and validity of the Order dated 27th June 2023 passed by the learned Judge, Family Court, Sangli, by which an amount of Rs.7,500/- each has been granted to the Respondent Nos.1 and 2 i.e. the parents of the Petitioner.

3. A learned Single Judge (Coram: Amit Borkar, J.) passed the following Order on 6th October 2023 :-

“1. Learned advocate for the petitioner makes a statement that the petitioner is ready to deposit 50%

of arrears within four weeks from today. Statement is accepted as undertaking.

2. In view of the said statement, issue notice to the respondents, returnable on 3rd November 2023.

3. In the meantime, no coercive steps shall be taken against the petitioner.”

4. Thereafter another learned Single Judge (**Coram: Sharmila U. Deshmukh, J.**) passed the following Order on 3rd November 2023 :-

“1. Mr. Chavan, learned counsel appearing for the Petitioner seeks extension of time granted by this Court for payment of deposit of 50% of the arrears.

2. Time to deposit 50% of the arrears is extended for a period of 4 weeks.

3. Stand over to 15/12/2023.

4. Ad-interim relief, if any granted earlier, to continue till next date.”

5. The above Orders clearly show that the Petitioner has obtained interim Order by playing fraud on this Court by making a statement that the Petitioner would deposit 50% of the arrears within four weeks from 6th October 2023. Order dated 6th October 2023 clearly records that the statement of the Petitioner was accepted as undertaking. Thereafter, again time was sought and a learned Single Judge by Order dated 3rd November 2023 granted time of four weeks. Admittedly, the Petitioner has not deposited any amount. This Court by Order dated 21st January 2025 has already recorded prima facie satisfaction that the Petitioner has committed contempt of this Court by violating the undertaking given to this Court.

6. The Petitioner, who is personally present in Court through Video Conferencing, in the morning session, stated that as the Petitioner suffered heart attack and as surgery was performed on him, the amount could not be deposited. However, he stated that the said surgery was performed in the month of March 2024. The Orders passed by this Court are dated 6th October 2023 and 3rd November 2023, wherein statement of the Petitioner was recorded as undertaking to deposit 50% arrears within 4 weeks. Thus, the said alleged heart ailment allegedly suffered in March 2024 was not impediment in payment of the money in November/ December 2023. The Petitioner further stated that in the month of June 2024 he suffered an accident and he is under treatment.

7. However, in the afternoon session, the Petitioner admitted that in the morning session he had informed this Court that he underwent heart operation in March 2024 is a false statement and that he had not suffered heart attack as stated in the morning session.

8. Thus, it is clear that not only the Petitioner has committed contempt by violating the undertaking given to this Court and further aggravated the contempt by making false statement.

9. However, at this stage, Mr. Nagesh Chavan, learned Counsel appearing for the Petitioner, on instructions of the Petitioner, who is personally present in Court thorough VC, states that the Petitioner will pay in the account of Respondent No.1 the amount of Rs.3,00,000/- as directed by this Court by Order dated 6th October 2023 and 3rd November 2023 in the following manner :-

- (i) On or before 5th February 2025 – Rs.50,000/-
- (ii) On or before 12th February 2025 – Rs.50,000/-
- (iii) On or before 19th February 2025 – Rs.50,000/-

- (iv) On or before 26th February 2025 – Rs.50,000/-
- (v) On or before 5th March 2025 – Rs.50,000/-
- (vi) On or before 12th March 2025 – Rs.50,000/-

The above statements made by the Petitioner are accepted as undertakings given to the Court.

10. For ensuring compliance of this statement, stand over to **13th February 2025**. To be shown 'first on board'."

2. Thus, it is clear that the undertaking which has been given by the Petitioner to the Court, has been breached.

3. Accordingly, issue notice to the Petitioner- Nitin Dattaji Patil under Rule 9 of the Contempt of Courts (Bombay High Court) Rules, 1994, returnable on 6th March 2025.

4. The Petitioner- Nitin Dattaji Patil shall appear in-person before this Court on 6th March 2025 and continue to remain present before this Court on all dates till the proceeding is finally disposed off by order of this Court.

5. Stand over to **6th March 2025**.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
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GOPAL DUSANE
Date: 2025.02.14
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