

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.173 OF 2025

Kunal Radheshyam Bansal

...Petitioner

Versus

Shradha Kunal Bansal

...Respondent

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Mr. Kunal Radheshyam Bansal, Petitioner, present in-person.
Mr. Chinmay Patil, learned Advocate.
Mr. Bhalchandra Patwardhan i/b. Ms. Bhagyashree Patwardhan, for
the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED: 2nd DECEMBER 2025

PC:-

1. The factual position and the conduct of the Petitioner-Kamal Radheshyam Bansal is very shocking. Prima facie the same amounts to contempt of Court.

2. In this Writ Petition, challenge is to the legality and the validity of the order dated 11th June, 2024 of the learned Judge, Family Court, Pune below Exhibit '185' in Petition PA. No.1190 of 2019 to the extent it directs the Petitioner to pay maintenance to the Child from 30th October 2018. It is the contention that said direction is passed without there being any prayer or justification for the same. The challenge is also to the order dated 18th October,

2024 passed by the learned Judge, Family Court, Pune below Exhibit-211 in Petition A No.1190 of 2019. The said application bearing Exhibit-211 has been filed for speaking to the minutes of the said order dated 11th June, 2024 for correcting date for paying maintenance from 30th October, 2018 to 19th April, 2023.

3. It is necessary to set out certain background facts :

- i.** The Respondent-wife had filed petition on 19th August, 2019 under Section 13(1) (ia) of the Hindu Marriage Act, 1955 seeking divorce bearing Petition A No.1190 of 2019.
- ii.** The Respondent-wife and minor-daughter also filed separate petition on 19th August 2019 seeking maintenance being Petition E No. 139 of 2019 and also filed Exhibit '5' application on 19th August, 2019 seeking interim maintenance of Rs.2,50,000/- per month for wife and Rs.1,00,000/- per month for daughter.
- iii.** The Respondent-wife filed on 19th April, 2023 Exhibit '61' application in Petition A No. 1190 of 2019 seeking reimbursement of maintenance of Rs.55,43,014/- towards

arrears of maintenance of child from 1st November, 2018 till 31st March, 2023 and thereafter amount of Rs.1,93,391/- per month as interim maintenance of the child. Although how much maintenance the Petitioner should be directed to be paid is not the subject matter of the present Writ Petition, it is necessary to set out paragraph nos. 13, 14 and 19 of the said application dated 19th April, 2023, which reads as under :

*“13. The respondent has as a matter of fact huge income which is many a times more than what he has shown in Income Tax Returns and it is also many a times more than what he alleges. **The respondent has real income of not less than Rs.6 lakhs per month.** The respondent has huge unaccounted cash income which is suppressed from the Hon’ble Court and from Income Tax authorities. A portion of the such cash transactions would be evident from the analysis of banks statement produced on record by the respondent himself. The said analysis shows following viz. **Total Cash Withdrawals from 1.4.2019 to 22-2-2022 :***

Rs.16,58,500/- (Rs. Sixteen Lakhs fifty eight thousand five hundred)

Total Cash Deposits From 1-4-2019 to 22-2-2022

Rs.1,04,87,500/- (One crore four lakh eighty seven thousand five hundred)

Credit Card Spend From April 2021 to Feb 2022

Rs.5,56,411/- (Rs. Five lakh fifty six thousand four hundred and eleven)

Total UPI spend From 1-05-2021 to 25-02-2022

Rs.1,64,697.40 (Rs. One lakh sixty four thousand six hundred ninety seven and forty paise)

It also shows Car EMI : Rs.31,916 per month.

14. *The said analysis also shows huge cash transactions with his own mother under different names.”*

“19. The falsity of the less income shown by the respondent is evident from his very lavish lifestyle which a person with the income shown by the respondent cannot afford to have. He has expensive cars like Skoda Superb, Honda Jazz, Maruti he Swift, Hyundai Creta. He always uses to most expensive branded products like apple phone, apple macbook pro, apple watch, Rado watch, Seiko watch Ferragamo wallet, Ferragamo Sunglasses, Diesel, Gas, Zara Nidhi Bhandari and many expensive branded shoes. He usually frequents to five star and seven-star hotels like Ritz Carlton, Taj Hotels, Conraqd etc. He extensively travels in India and stays in lavish and expensive 5-star hotes. He usually travel in expensive cars. He owns immovable properties like his 5,000 sq. ft bungalow at Viman Nagar, numerous premium 4.5 BHK flats at Sun Soiltaire, land parcels, property in Lokmanya Nagar etc. He is also a member of clubs and institutions like AYW and ACE Club and used the gymnasium at ABS, Aundh where he even employed a personal trainer and consulted a nutritionist regularly. He spends in laks at weddings, social functions, and business functions through his mother.”

(Emphasis added)

iv. It appears that there are several applications filed by both

the parties in said P.A. No. 1190 of 2019 and the same are pending.

v. On 10th June 2024 Petitioner filed an application bearing Exhibit - 185 in said P.A. No. 1190 of 2019 seeking ad-hoc access of daughter. It is significant to note the specific contention raised in paragraph (7) of said Exhibit 185 application, which reads as under :

“7. The Respondent without prejudice to his rights, is ready to deposit forthwith Rs.20,000/- (Twenty Thousand) per month towards her maintenance and upkeep. Without prejudice the Respondent has already deposited Rs.1,00,000/- (One Lakh) with the nazir for the child with his previous application under exhibit no. 136 dt. 09.10.2023.”

vi. The learned Judge, Family Court No.4, Pune disposed of said application bearing Exhibit-185 in P.A. No. 1190 of 2019 by order dated 11th June 2024. The operative part of said order dated 11th June 2024 reads as under :

“1. The Petitioner is directed to bring daughter Leisha for access in Child Care Center, Family court premises once in a fortnight from 3.00 p.m. to 5.00 p.m. on every first and third Saturday of the month.

2. Advocates of neither side should be present during the said meeting so that it gives some privacy to the parties concerned.

3. *In addition, the respondent can make a video call of 10-15 minutes to daughter Leisha on 1st, 3rd and 5th Saturdays during the same time.*

4. *The respondent shall pay an amount of Rs.20,000/- per month from 30/10/2018 till June 2024 and thereafter every month between 1st and 5th of every month.*

5. *The Petitioner shall provide the child's bank account number to the respondent for the said transfers and shall co-operate in every way for smooth implementation of this order.*

6. *The arrears of maintenance are required to be paid within four weeks from today.*

7. *The Petitioner and respondent are directed to refrain from making any derogatory remark against each other to the child. The parties are also directed to refrain from making video recording of the access.*

8. *It is clarified that **the said order is an ad-interim and ad-hoc order and interim maintenance application and access application shall be dealt with subsequently.***”

(Emphasis Added)

Thus, it is significant to note that, the said order passed is an ad-interim and ad-hoc arrangement and as clarified by the learned Judge, Family Court, Pune, interim maintenance application and access application would be dealt with subsequently. By said order the Petitioner has been directed to pay an amount of Rs.20,000/-

per month from 30th October 2018 till June 2024 and thereafter to pay said amount of Rs.20,000/- per month from June 2024 onwards.

vii. The Petitioner filed an application bearing Exhibit-211 in Petition A. No. 1190 of 2019 seeking “Speaking to Minutes” of order dated 11th June, 2024 passed below Exhibit-185 in P.A. No.1190 of 2019 by correcting the date in Clause (4) of the operative order as 19th April, 2023 instead of 30th October, 2018.

viii. The said application bearing Exhibit-211 in P.A. No.1190 of 2019 is rejected by the learned Judge, Family Court No.4, Pune by order dated 18th October, 2024. It is relevant to note the observations made by the learned Judge, Family Court in said order dated 18th October, 2024 which reads as under :

“3)... When the said application was being argued before the Learned Court, the present Advocate Shri Shah was admittedly not on record and was therefore not present in the court. Therefore, he is not aware of what transpired in the court. During the hearing of the access application, when it was being argued on behalf of the petitioner that the respondent has been an irresponsible father and has not bothered to provide for the minor daughter since the past several years, a statement was made by the respondent himself that he is ready to maintain his daughter from the date of separation. He had made the said statement in order to show his bonafides. Therefore, this court had ordered

that the respondent pay the maintenance from 30/10/2018 i.e. the date of separation. The said undertaking was made voluntarily and orally by the respondent before the court. The respondent is now trying to chicken out of his responsibility of paying maintenance and has come up with this mischievous application as a ploy. It is pertinent to note that the order below Exh. 185 was passed on 11/06/2024, while the present application has been made on 18/10/2024 i.e. after more than 4 months of passing of the order. The said order has now reached finality. The application is made under garb of "Speaking to the minutes of the order" to avoid paying maintenance to the daughter. The application should be rejected with heavy cost.

4) *When Exh.185 was being argued, during the course of arguments, the respondent had voluntarily and orally undertaken to pay Rs.20,000/- from the date of separation and , thus, the said date was dictated in open court. In view of foregoing discussion, I am of the considered opinion that there is no typographical error in the said order. I am therefore inclined to reject the application in terms of the following order :*

ORDER

Application is rejected with no order as to cost."

(Emphasis Added)

ix. When this Writ Petition came up before this Court on 7th November, 2025, Mr. Seoul Shah, i/by Mr. Chinmay Patil, learned Advocates of the Petitioner made statement that the said arrears of maintenance would be deposited in this Court on or before 21st

November, 2025 and therefore this Court passed following order on 7th November, 2025 :

1. Mr. Shah, learned Counsel appearing for the Petitioner on instructions of the Petitioner, who is personally present in the Court states that the arrears of maintenance as per Order dated 11th June 2024 passed by the Family, Pune below Exhibit-185 in P.A. No.1190 of 2019 will be deposited in this Court on or before 21st November 2025.

2. The said statement made on instructions of the Petitioner, who is personally present in the court is accepted as undertaking given to this Court.

3. Stand over to 28th November 2025 at 3.00 p.m.

(Emphasis Added)

x. In the above background of the matter it is surprising and shocking that on 28th November, 2025, the learned Advocates appearing for the Petitioner and who made statement on instructions of the Petitioner on 7th November, 2025 were absent and not appeared in the matter and the Petitioner appeared in person and raised his voice. This Court passed following order on 28th November 2025:

1. Mr. Kunal Radheshyam Bansal, the Petitioner, appears in person and states that he has given

discharge to his Advocate by sending a letter. However, the discharge has to be granted by the Court. It appears that the statement which has been recorded by this Court in the Order dated 7th November 2025 as undertaking given to the Court which has been made by the Petitioner, who was personally present in the Court, has not been complied with. The Petitioner has no intention of complying with said statement and therefore this contention regarding discharge is now being raised.

2. However, in any case, there is no application for discharge of the Advocate. As the learned Advocate has filed Vakalatnama, it is his duty to appear in the matter and seek discharge.

3. The Petitioner – Kunal Radheshyam Bansal, shall remain present in this Court on next date and all the adjourned dates.

4. As I am prima facie satisfied that the Petitioner – Kunal Radheshyam Bansal, has committed contempt of this Court by not abiding by the undertaking given to this Court, if the Petitioner remains absent, this Court will be constrained to issue a non-bailable warrant.

5. Mr. Kunal Radheshyam Bansal, the Petitioner states that he will comply with the Order dated 7th November 2025 by next date. He states that he will comply with the undertaking given to this Court, as recorded in the Order dated 7th November 2025, by bringing a Demand Draft of the said amount.

6. Stand over to 2nd December 2025 at 3.00 pm. To be shown ‘first on board.’

(Emphasis Added)

4. This Court by order dated 28th November,2025 expressed its *prima facie* satisfaction that Petitioner-Kunal Radheshyam Bansal has committed Contempt of this Court by not abiding with the undertaking given to this Court.

5. Today, Mr. Chinmay Patil, learned Advocate appears in the matter and states that the Petitioner has specifically informed him that he should not appear in the matter as he would be engaging another Advocate. Mr. Patil, learned Advocate states that as it was represented to him that the Petitioner would engage a new Advocate, he has remained absent. However it is required to be noted that the Petitioner appeared in-person, without taking necessary permission and has tried to argue the matter and raised his voice.

6. It is very significant to note that, today the Petitioner tenders his affidavit dated 1st December,2025. It is *inter alia* stated in the said Affidavit that the Applicant is complying with the undertaking as recorded in the order dated 7th November, 2025 solely due to the coercive atmosphere created during the hearing and only to avoid further adverse consequences threatened by the Hon'ble Bench despite the existence of subsisting stay order granted by the

predecessor bench restraining the recovery of retrospective maintenance. The conduct of the Petitioner clearly shows that the said affidavit dated 1st December, 2025 is filed to browbeat this Court, so that the Court should not take up the matter. This is a serious matter where the undertaking given to this Court is not complied with and this Court has passed detailed order dated 28th November, 2025 recording *prima facie* satisfaction that the Petitioner has committed Contempt of this Court and therefore, affidavit dated 1st December, 2025 which is an affidavit of compliance under protest and under compulsion and without prejudice is filed.

7. The Demand Draft which the Petitioner has brought by making allegation with an intention that this Court does not take up the matter clearly shows that the Petitioner has no intention to comply with the undertaking given to this Court, which has been given by the learned Advocate appearing for the Petitioner on 7th November 2025 and the same was given on instructions of the Petitioner and in his presence. Thus, it is clear that the Petitioner has made false allegations just to avoid maintenance to the child. In fact, the conduct of the Petitioner clearly shows that even before

the learned Family Court, statement was made to pay maintenance of Rs.20,000/- per month to the child from the date when the Petitioner and Respondent started residing separately i.e. since 30th October 2018 and thereafter by changing the Advocate the order passed on the basis of statement of the Petitioner made in Court is sought to be recalled under the pretext of “Speaking to Minutes”. The Petitioner has repeated the same conduct in this Court. Thus, the Petitioner is in the habit of making a statement to the Court and then by making false allegations not complying with the same. Thus, the Petitioner has no regard for the Court proceedings and is in the habit of making statement without any intention to comply with the same. A statement made by learned Advocate on instructions and in the presence of the Petitioner is now sought to be portrayed as being made under pressure.

8. Thus, it is clear that the Petitioner has aggravated the Contempt.

9. As it is contended in the said affidavit dated 1st December 2025 that the compliance of the undertaking is not willful, the said Demand Draft is returned back to the Petitioner.

10. Issue notice to the Petitioner under Rule 9 of Contempt of Courts (Bombay High Court) Rules, 1992, returnable on **16th December, 2025**. The Petitioner shall file reply to the Contempt notice by next date. To be shown “First on Board”. As the notice has been issued and as the Petitioner has aggravated the contempt the Petitioner shall remain present in the Court on 16th December, 2025 and all further dates.

11. Stand over to **16th December 2025**. To be shown “**First On Board**”.

[MADHAV J. JAMDAR, J.]