

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.173 OF 2025

Kounal Radheshyam Bansal ...Petitioner

Versus

Shradha Kounal Bansal ...Respondent

ALONGWITH

SUO MOTU CONTEMPT PETITION NO.16 OF 2025

High Court on its Own Motion ...Petitioner

Versus

Kounal Radheshyam Bansal ...Respondent

Petitioner is absent.

None present for Petitioner.

Mr. Bhalchandra Patwardhan i/by Ms. Bhagyashree Patwardhan for Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED : 24th December 2025

P.C.:

1. Heard Mr. Kounal Radheshyam Bansal, Petitioner-in-person on 28th November 2025, 2nd December 2025, 16th December 2025, 18th December 2025, 22nd December 2025 and on 23rd December 2025, and Mr. Bhalchandra Patwardhan, learned Counsel for the Respondent. Today, Mr. Kounal Bansal, Petitioner, who appears in person is absent.

2. This is a very shocking matter when atleast on five occasions, the Petitioner had given undertaking to this Court that he would deposit an amount as directed by the learned Family in this Court and inspite of the said undertaking given to this Court, the same has been violated. The factual position on record clearly show that the Petitioner has no regard for the institution of the Court.

3. By this Writ Petition, challenge is to the legality and validity of the Order dated 11th June 2024 passed by the learned Judge, Family Court, Pune below Exhibit-185 in P.A. No. 1190 of 2019 as also to the Order dated 18th October 2024 passed by the learned Judge, Family Court, Pune below Exhibit-211 in P.A. No. 1190 of 2019.

4. This matter has been heard from time to time and this Court has passed various Orders.

5. Yesterday, the hearing of the matter is completed as regards merits of the Writ Petition, as also as regards Contempt Petition. Only the Petition

er is to be heard on the quantum of punishment. Mr. Patwardhan, learned Counsel has also apart from merits of the Writ Petition and Contempt Petition made submission on the punishment to be imposed by relying on the decisions of the Supreme Court. After perusing the decisions of the Supreme Court pointed out by Mr. Patwardhan, learned Counsel appearing for the Respondent, the Petitioner tendered apology and submitted that he would comply with the undertaking given to this Court by depositing the amount as directed by the Family Court in the account of the Respondent by today morning. However, Mr. Patwardhan, learned Counsel of the Respondent submits that the said statement has not been complied with.

6. Today, the Petitioner is absent. None appears for the Petitioner.

7. Mr. Patwardhan, learned Counsel for the Respondent states that the Petitioner has sent an email to him stating that the

Petitioner would not be able to appear in the matter as the Petitioner is not well.

8. It is very clear that the Petitioner has deliberately remained absent. The conduct of the Petitioner recorded in the earlier Order will show that the Petitioner has no regard for the institution of the Court.

9. Before consideration of merits of the Writ Petition and the Contempt Petition, it is necessary to set out various orders passed by this Court.

10. This Court has 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 the Order dated 11th June 2024 passed by the Family Court, 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.*

11. On 28th November 2025, when the matter was listed for compliance, the Petitioner appeared in person and again gave an undertaking that he would comply with the Order dated 7th November 2025. Therefore, this Court has passed following Order on 28th November 2025.

“1. Mr. Kounal 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 the 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. Kounal As I am prima facie satisfied that the Petitioner 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. Kounal 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 03:00 pm. To be shown 'first on board'."

12. However, instead of complying with the Order, the Petitioner has filed Affidavits/Applications dated 1st December 2025 (from pages 242 to 297) and in those Affidavits, various allegations were made even against this Court. The said Affidavits/Applications were filed with intention to browbeat this Court.

13. This Court has passed detailed Order dated 2nd December 2025 and issued notice to the Petitioner under Rule 9 of Contempt of Courts (Bombay High Court) Rules, 1992. In the said Order, it is specifically recorded by this Court that the said Affidavit dated 1st

December 2025 has been filed to browbeat this Court. The said Order dated 2nd December 2025 reads as under :

“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 P.A. 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 Soilitaire, 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 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 for daughter. It is significant to note contentions 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 dated as 19th April, 2023 instead of 30th October, 2018 in Clause (4) of the operative order.

(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 not appeared in the matter and without seeking any discharge learned Advocate remained absent 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 that the Applicant is complying with the undertaking as recorded in the order dated 7th November, 2025 solely due to the coercive and 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 brow-beat 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 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 garb of “Speaking to Minutes”. The same conduct is repeated in this Court. A statement made by learned Advocate on instructions and in the presence of the Petitioner is sought to be now 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 that to avoid further adverse consequences and as 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.”

(Emphasis added)

14. Thereafter, the matter appeared before this Court on 16th December 2025, and on that day, the Petitioner by writing dated 16th December 2025 withdrawn all the applications and affidavits (pages 242 to 297). The said Order dated 16th December 2025 reads as under :

“1. At the outset, Mr. Kounal Bansal, the Petitioner, who appears in person seeks withdrawal of the Affidavit dated 1st December 2025 as also various applications filed on the same date (pages 242 to 292) filed in Writ Petition No. 173 of 2025.

2. Mr. Kounal Bansal, the Petitioner in person, states that he is unconditionally withdrawing the Affidavit dated 1st December 2025 as also other applications (Page Nos. 242 to 297). He tenders writing dated 16th December 2025 to the said effect. The said writing is taken on record and marked "X" for identification.

3. Accordingly said Affidavit alongwith all the Applications (Page Nos. 242 to 297) are allowed to be withdrawn.

4. Mr. Bansal files fresh Affidavit dated 15th December 2025. The same is taken on record.

5 Mr. Kounal Bansal, the Petitioner, who appears in person states that he will comply with the undertaking given to this Court as recorded by this Court in the Order dated 7th November 2025. He states that by 18th December 2025, the Demand draft of the amount which is subject matter of the Order dated 7th November 2025 will be deposited in the Registry.

6 Stand over to 18th December 2025 at 3.00 p.m."

15. Inspite of giving undertaking to comply with the undertaking given to this Court as recorded in the Order dated 16th December 2025, the Petitioner failed to comply with the same. Therefore, this Court passed detailed Order on 22nd December 2025, which reads as under :

“1. The conduct of the Petitioner-Kounal Radheshyam Bansal, as noted in earlier orders shows that the Petitioner has no regard for the institution of the Court.

2. A statement has been made by the Petitioner before the learned Family Court that he would pay the maintenance to the minor daughter from the date of separation and accordingly, the learned Family Court passed the order. Thereafter, the Petitioner changed the Advocate and another Advocate has appeared and the application has been filed under the pretext of Speaking to Minutes. The learned Family Court has dismissed said application by specifically recording that as the Petitioner has agreed to make payment of maintenance for the minor daughter at the rate of Rs.20,000/- per month from the date of separation, the order has been passed. The said orders have been challenged by filing Writ Petition No.713 of 2025.

3. On 7th November 2025, Mr. Shah, learned Advocate, at that time appearing for the Petitioner, on instructions of the Petitioner, who was personally present in the Court made the statement that the arrears of the maintenance as per the order dated 11th June 2024 passed by the learned Family Court, Pune would be deposited in this Court on or before 21st November 2025 and the said statement was accepted as undertaking given to this Court.

4. Thereafter, the same modus operandi as followed before the learned Judge of the Family Court has been followed by the Petitioner. On the next date i.e. on 28th November 2025, the learned Advocate who has made statement on instructions of the Petitioner has not appeared in the matter and even the learned Advocate

on record has also not appeared and on 28th November 2025, Mr. Kounal Bansal, the Petitioner appeared in-person and made statement to comply with order dated 7th November 2025 by next date i.e. by 2nd December 2025 and the said statement is accepted as undertaking given to the Court.

5. However, thereafter, various applications and affidavits dated 1st December 2025 filed by the Petitioner clearly showing that an attempt has been made to browbeat this Court so that this Court refrains from taking up the matter. Therefore, this Court by passing detailed order dated 2nd December 2025 has issued notice to the Petitioner-Kounal Radheshyam Bansal, under Rule 9 of the Contempt of Courts (Bombay High Court) Rules, 1992.

6. On 2nd December 2025, Mr. Chinmay Patil, learned Advocate who was appearing earlier has made statement that the Petitioner has specifically informed him that he should not appear in the matter and that a new Advocate would appear, however, instead of that, the Petitioner is appearing in-person.

7. After reading the detailed order which this Court has passed on 2nd December 2025, the Petitioner sought withdrawal of all the affidavits/applications dated 1st December 2025 (Page 242 to 293) filed in Writ Petition No.173 of 2025 and for that purpose, he has tendered writing dated 16th December 2025 specifically stating that he is withdrawing unconditionally all the affidavits/applications (Page 242 to 297).

8. On 16th December 2025, Mr. Kounal Bansal, the Petitioner who appears in-person again made the statement that he would comply with the undertaking given to this Court as recorded in the order dated 7th November 2025. He has stated that by 18th December 2025, Demand Draft of the concerned amount would be deposited in the registry. However, the said Demand Draft has not been deposited in the registry till date. Instead of that, today again pursis dated 22nd December 2025 (Page 356 to 362) has been filed raising various contentions.

9. Thus, it is clear that the Petitioner has not complied with the undertaking given to this Court on number of occasions. As noted herein above, the Petitioner has filed application to browbeat this Court and thereafter withdrew those applications/affidavits.

10. On many occasions, the Petitioner has made statement that he would comply with the undertaking given to this Court and till date, he has not complied with the said undertaking given to this Court.

11. It is very clear that the Petitioner has no regard for the statements made to the Court and undertaking given to the Court. The conduct of the Petitioner shows that he has aggravated the contempt.

12. Mr. Kounal Bansal, the Petitioner, who is personally present in Court states that he will bring the said Demand Draft in compliance with the undertakings given to this Court tomorrow. The said statement of Mr. Kounal Bansal, the Petitioner is accepted as undertaking given to this Court.

13. Stand over to 23rd December 2025. To be listed first on board at 03:00 p.m..”

16. On 23rd December 2025, the submissions of the Petitioner on merits of the Writ Petition as also of Contempt Petition were heard. Mr. Patwardhan, learned Counsel also made submissions on the punishment to be imposed on the Petitioner and also in support of said contentions relied on the decisions of the Supreme Court to which reference will be made later on and the matter was adjourned to 24th December 2025. In the meanwhile, perhaps after perusal of the decisions cited by Mr. Patwardhan, learned Counsel appearing for the Petitioner on punishment, the Petitioner requested the Sheristedar of this Court that he wants to tender unconditional apology to this Court and therefore the matter is again heard in the Chamber. Mr. Bansal, the Petitioner again stated that he would comply with the Order by depositing the amount in the account of the Respondent- Shraddha Bansal and tendered unconditional apology, by writing the same in his own handwriting. The same is taken on record and marked “**B**” for identification. The said apology reads as under :-

B' Tend to the court on 23/12/25

— In THE HIGH COURT OF JUDICATURE AT BOMBAY. 23/12/25

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 173 OF 2025.

Kunal Bansal Petitioner.

v/s.

Shroddha Kunal Bansal Respondent

Along with

Suo moto Contempt petition No. 16 of 2025

I Kunal Bansal, most respectfully submit this unconditional apology to this honorable court.

I state with utmost humility that I hold this honorable court in the highest esteem and have the deepest respect for the majesty, authority and dignity of this Court. If any fact, conduct, statement, filing or omission on my part has caused displeasure, I sincerely regret the same.

I respectfully assure this court that such an occurrence shall not be repeated and that I shall hereafter maintain the highest standards of conduct expected of a litigant before this honorable court.

This apology is tendered voluntarily, in good faith, with genuine remorse, seeking the indulgence and magnanimity of the honorable court.

Respondent



dt: 23/12/2025

17. Today, when the matter is kept for ensuring that the statements made before this Court and undertakings given to this Court are complied with, the Respondent has sent an email to Mr. Patwardhan, learned Advocate appearing for the Respondent stating that he is not in a position to appear in the matter as he is not well. However, this Court is proceeding to pass the order as the hearing of the Writ Petition as also of Contempt Petition has been completed except the Petitioner's submission on the sentence.

18. Perusal of the material on record and the above Orders show that learned Advocate, Mr. Shah along with Mr. Chinmay Patil had appeared for the Petitioner on earlier occasions and on the instructions of the Petitioner, who was personally present in the Court, on 7th November 2025, stated that the arrears of the maintenance as per the Order dated 11th June 2024 passed by the learned Judge, Family Court, Pune below Exhibit-185 in P.A. No. 1190 of 2019 would be deposited in this Court on or before 21st November 2025.

19. As noted hereinabove, thereafter the Petitioner appeared in person on 28th November 2025 and the Advocates of the Petitioner

did not appear on instructions of the Petitioner and the Petitioner once again gave an undertaking to this Court that he would comply with the Order dated 7th November 2025 and therefore, the matter was kept on 2nd December 2025.

20. On 2nd December 2025, although the Petitioner had brought the demand draft, it was stated in various affidavits/applications dated 1st December 2025 that the said demand draft had been brought only due to coercive atmosphere created during the hearing and to avoid further consequences and in fact various statements in the said affidavit dated 1st December 2025 clearly show that the said affidavits/applications were filed to browbeat this Court so that this Court should not hear the matter. This Court by Order dated 2nd December 2025 by recording detail reasons returned back the said demand draft and issued notice to the Petitioner under Rule 9 of Contempt of Courts (Bombay High Court) Rules, 1992 and kept the matter on 16th December 2025.

21. Thereafter, on 16th December 2025, the Petitioner has withdrawn said Affidavits/Applications dated 1st December 2025 as recorded by Order dated 16th December 2025. The Petitioner on

16th December 2025 once again gave an undertaking that he would comply with the order dated 7th November 2025 and shall deposit demand draft by 18th December 2025 in the Registry. The said undertaking has also not been complied with.

22. Thereafter this Court passed detailed Order on 22nd December 2025 recording conduct of the Petitioner. In said order, it has been specifically recorded that the Petitioner has no regard for the statements made to the Court and undertakings given to the Court and the conduct of the Petitioner shows that he has aggravated the contempt. Again on 22nd December 2025 Mr. Bansal, Petitioner has stated that he would bring demand draft in compliance with the undertakings given to this Court by next day i.e. on 23rd December 2025 and therefore the matter was directed to be listed on 23rd December 2025.

23. On 23rd December 2025, the Petitioner again failed to comply with the undertakings given to this Court on number of occasions including given to the Court on 22nd December 2025 and recorded in the said Order. Therefore, on 23rd December 2025, the matter was heard completely.

24. Mr. Bansal, the Petitioner in person relied on the Judgment of the Supreme Court in the case of **State of Punjab Vs. Darshan Singh**¹ and pointed out paragraphs 12 and 13. He submitted that the scope of Section 152 of Code of Civil Procedure, 1908 (“CPC”) is only for correction of clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission and the exercise of this power contemplates the correction of mistakes by the court of its ministerial actions and does not contemplate passing of effective judicial orders after the judgment, decree or order. The said Judgment has been cited as by the impugned Order dated 11th June 2024, the learned Judge, Family Court, Pune has directed that the Respondent i.e. the present Petitioner shall pay an amount of Rs.20,000/- per month from 30th October 2018 till June 2024 and thereafter every month between 1st and 5th of every month as maintenance to the child. The Petitioner filed an application bearing Exhibit-211 in P.A. No. 1190 of 2019 for Speaking to Minutes for correction of said date from 30th October 2018 to 19th April 2023.

¹ (2004) 1 SCC 328

25. It is the submission of the Petitioner that the said amount should have been directed to be paid from the date 19th April 2023 i.e. the date of filing Exhibit-61 Application seeking maintenance filed by the wife seeking maintenance for the child.

26. It is relevant to note that when the learned Judge of the Family Court, Pune passed Order dated 11th June 2023, some other Advocate was appearing for the Petitioner and thereafter an application for Speaking to the Minutes bearing Exhibit 211 has been filed in said P.A. No. 1190 of 2019 on 18th October 2024 by some other Advocate seeking that the date 30th October 2018 be changed to 19th April 2023.

27. The learned Family Court has specifically recorded that when the earlier application was argued, some other Advocate has appeared and thereafter Advocate Shah appeared in the matter. The relevant observations of the learned Family Court are as follows:-

“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 the 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."

28. Thus, what the learned Family Court has observed that when Exhibit-185 has been argued, during the course of arguments, the Respondent i.e. the present Petitioner 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.

29. The contention raised by the Petitioner on the basis of the decision of the Supreme Court in the case of State of Punjab (supra) that scope of Section 152 of Code of Civil Procedure, 1908 (“CPC”) is only for correction of clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission and the exercise of this power contemplates the correction of mistakes by the court of its ministerial actions and does not contemplate passing of effective judicial orders after the judgment, decree or order has no application to the said order dated 18th October 2024. The learned Judge of the Family Court has observed that the application under the guise of correction is filed by engaging new Advocate malafidely. Thus in effect what the learned Family Court has held that the application is not filed under Section 152 of CPC and the application is filed malafidely under the guise of correction of the

order to avoid maintenance to the daughter. Thus, the observation in the decision of State of Punjab (supra) are not applicable to the present case.

30. At this stage, it is required to be noted that in fact the wife has sought maintenance of Rs.2,00,000/- per month from the husband only for child. It is also required to be noted that in the application which has been filed seeking maintenance of Rs.2,00,000/- per month, it is the contention of the Respondent-wife that the Petitioner-husband is staying in bungalow at Vimannagar, Pune, admeasuring 5000 square feet and his monthly expenses are about Rs.7,00,000/- to Rs.8,00,000/-.

31. In fact, it is required to be noted that the Respondent i.e. present Petitioner in his Reply dated 22nd May 2023 being Exhibit-80 has specifically stated as follows :

“The respondent stands firm without prejudice to his rights, on his decision to pay an amount of Rs.2 Lac per month for the daughter (including educational and other expenses).”

Thus, it is clear that in fact the Petitioner was ready to pay an amount of Rs.2,00,000/- per month for the daughter. By the

impugned Order only Rs.20,000/- per month has been directed to be paid as per the voluntary statement made by the Petitioner from the date of separation of the Petitioner and the Respondent.

32. In this background of the matter, the submissions, which are made by the Petitioner who appeared in person are required to be considered. He submits that the scope of the Application under Section 152 CPC is very limited. There cannot be any two opinions about the law laid down by the Supreme Court in the case of State of Punjab Vs. Darshan Singh (supra). However, it is required to be noted that the learned Family Court has specifically observed that the application is made under the garb of “Speaking to the minutes of the order” to avoid paying maintenance to the daughter and therefore the application should be rejected with heavy cost. In fact, it is required to be noted that the learned Family Court has specifically noted that there is no typographical error in the said order. It is very clear that by filing application under Section 152 CPC, seeking correction of the date, what is sought to be done is review of the order by misleading the Court. It is very clear that said Application is filed with malafide and oblique purpose. Thus, the learned Family Court has correctly observed that there is no

need to correct the said mistake as there is no typographical error and the Application filed is malafide.

33. As the position on record shows that under the garb of filing an application for "Speaking to the minutes of the order", what is sought to be done is review or recall of the said Order and therefore the Judgment of the Supreme Court in the case of State of Punjab Vs. Vs. Darshan Singh (supra) is not applicable to the facts of this case.

34. Accordingly, the Writ Petition is dismissed with costs of Rs.1,00,000/-.

35. As far the Contempt Petition is concerned, the various factual aspects which are set out hereinabove clearly show that the Petitioner has no regard for the statements made to this Court and undertaking given to the Court. In fact, the Contempt Petition was also heard yesterday i.e. on 23rd December 2025 completely.

36. It is the main submission of the Petitioner that a learned Single Judge has already granted stay and therefore the Petitioner is not bound to comply with the undertakings. However, it is

required to be noted that from time to time the Petitioner has given undertakings inspite of stay granted by the learned Single Judge. The Order granting stay stands modified by Order dated 7th November 2025 by which the undertaking given is to deposit the amount in this Court. The said undertaking is repeated on number of occasions. Thus, it is clear that the said contention is also raised malafidely just to give excuse for not complying with the undertaking. Thus, there is no substance in the said contention.

37. Mr. Patwardhan, learned Counsel for the Respondent has relied on the following decisions on the quantum of punishment:-

- (i) Decision of the Supreme court in the case of **Ram Niranjan Roy Vs. State of Bihar**².
- (ii) Decision of the Supreme court in the case of **Pritam Pal Vs. High Court of Madhya Pradesh**³
- (iii) Decision of the Supreme court in the case of **Balwantbhai Somabhai Bhandari Vs. Hiralal Somabhai Contractor (Deceased) represented by LRs**⁴

² (2014) 12 SCC 11

³ 1993 Supp (1) SCC 529

⁴ (2023) 17 SCC 545

38. At this stage, I will only consider the decision in Balwantbhai Somabhai Bhandari (supra). Mr. Patwardhan, learned Advocate has relied more particularly on paragraphs 103, 112 to 113 and 117, of said decision, which read as under :

“103. The litigants, proceeded for contempt of court have realised that they have a very potent weapon in their hands in the form of apology. Take for instance, the present case itself. What do the appellants want us to do? The appellants want this Court to accept their apology and set aside the order of punishment and sentence passed by the High Court. There ought not to be a tendency by courts to show compassion when disobedience of an undertaking or an order is with impunity and with total consciousness.

112. Thus, apology is not just a word. The court should not accept the apology when it appears that saying sorry is nothing but a legal trick to wriggle out of responsibility. A true apology must be a deep ethical act of introspection, self-introspection, atonement and self-reform. In its absence, an apology can be termed as farce.

113. It is equally well settled that apology tendered is not to be accepted as a matter of course and the court is not bound to accept the same. Although, the apology may be unconditional, unqualified and bona fide, yet, if the conduct is serious which has caused damage to the dignity of the institution the same need not to be accepted.

117.1. We hold that an assurance in the form of an undertaking given by a counsel/advocate on behalf of his client to the court; the wilful breach or disobedience of the same would amount to “civil contempt” as defined under Section 2(b) of the 1971 Act.

117.2. There exists a distinction between an undertaking given to a party to the lis and the undertaking given to a court. The undertaking given to a court attracts the provisions of the 1971 Act whereas an undertaking given to a party to the lis by way of an agreement of settlement or otherwise would not attract the provisions of the 1971 Act. In the facts of the present case, we hold that the undertaking was given to the High Court and the breach or disobedience would definitely attract the provisions of the 1971 Act.”

39. The Supreme Court has held that an assurance in the form of an undertaking given by a counsel/advocate on behalf of his client to the court; the willful breach or disobedience of the same would amount to “civil contempt” as defined under Section 2(b) of the 1971 Act. It has been observed by the Supreme Court that the litigants, proceeded for contempt of court have realised that they have a very potent weapon in their hands in the form of apology. It has been further held that there ought not to be a tendency by courts to show compassion when disobedience of an undertaking or an order is with impunity and with total consciousness. It has

been further held that the apology is not just a word, the court should not accept the apology when it appears that saying sorry is nothing but a legal trick to wriggle out of responsibility. A true apology must be a deep ethical act of introspection, self-introspection, atonement and self-reform. In its absence, an apology can be termed as farce. It has been further held that it is equally well settled that apology tendered is not to be accepted as a matter of course and the court is not bound to accept the same. It has been further held that although, the apology may be unconditional, unqualified and *bona fide*, yet, if the conduct is serious which has caused damage to the dignity of the institution, the same need not to be accepted.

40. The above observations of the Supreme Court are squarely applicable to the present case.

41. This is the case where the Petitioner is ready to pay the amount of Rs.2,00,000/- per month for the maintenance of his daughter. The Petitioner is staying in a bungalow of about 5000 sq. feet. at Vimannagar, Pune and when he was personally present in the Court has made the statement before the learned Judge of the

Family Court, Pune that he would pay an amount of Rs.20,000/- per month from the date of separation of the Petitioner and the Respondent and therefore the learned Judge of the Family Court has passed the Order directing that the Petitioner would pay Rs.20,000/- per month w.e.f. 30th October 2018 i.e. date of separation of the Petitioner and Respondent.

42. It is required to be noted that when the Order was passed, some other Advocate was appearing for the Petitioner before the learned Family Court and thereafter the Petitioner has changed the Advocate and the said new Advocate appeared for the Petitioner and filed an application for change of order on the pretext of correction of the date. The said application has been dismissed by the learned Family Court.

43. In this Writ Petition, the learned Advocate, on instructions of the Petitioner gave undertaking to this Court that the entire arrears would be deposited in this Court. The said undertaking has been given by the learned Advocate on instructions of the Petitioner who was present in the Court. Thereafter the Petitioner told the learned Advocate not to appear and he started appearing in person.

44. As noted hereinabove, the Petitioner has filed various affidavits and made allegations against this Court to browbeat the Court and just to ensure that this Court does not take up the matter. Thereafter after realising that willful breach or disobedience of any Judgment would amount to “civil contempt” as defined under Section 2(b) of the 1971 Act and what the Petitioner has done by filing all these affidavits and applications will be criminal contempt, the Petitioner submitted a writing and withdrew all these affidavits and applications. Thereafter on number of occasions, the Petitioner has given undertaking to deposit the amount, however, the said amount is not deposited. When the matter has argued yesterday and after various judgments are cited by Mr. Patwardhan, learned Counsel appearing for the Respondent, the Petitioner realised that his conduct amounts to contempt of Court and the Petitioner has therefore tendered written apology in his own handwriting and submitted that he would comply with the undertaking given to this Court by today, by depositing the amount in the account of the Respondent.

45. Today, the Petitioner has not appeared nor any application has been filed. None has appeared for the Petitioner and he has

sent email to the learned Advocate for the Respondent stating that due to ill-health, he would not be able to appear in the matter.

46. Thus, the conduct of the Petitioner clearly shows that he has committed contempt of the Court and aggravated the same. In the facts and circumstances, I hold that the Petitioner has committed contempt of the Court.

47. It is very clear that not only the Petitioner has committed contempt of Court by willfully not complying with the undertaking given to this Court, but he has aggravated the Contempt as noted hereinabove.

48. Yesterday, Mr. Patwardhan, learned Counsel appearing for the Respondent submitted that in the facts and circumstances, the Petitioner be punished for simple imprisonment for a term of two months.

49. To hear the Petitioner on the sentence to be imposed, stand over to **19th January 2026**.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2026.01.08
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