

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8470 OF 2023

Aradhana Yogesh Dhawale	...Petitioner
<i>Versus</i>	
Yogesh Narayan Dhawale	...Respondent

WITH

INTERIM APPLICATION NO. 9555 OF 2024

Yogesh Narayan Dhawale	...Applicant
<i>Versus</i>	
Aradhana Yogesh Dhawale	..Respondent

WITH

WRIT PETITION NO.13661 OF 2024

Yogesh Narayan Dhawale	...Petitioner
<i>Versus</i>	
Aradhana Yogesh Dhawale	...Respondent

WITH

CONTEMPT PETITION NO.630 OF 2024

Aradhana Yogesh Dhawale	...Petitioner
<i>Versus</i>	
Yogesh Narayan Dhawale	...Respondent

Mr. Ajinkya Udane, Advocate for Petitioner.
Mr. Mahesh Vishwakarma, Advocate for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th February 2025

P.C.:

1. Heard Mr. Ajinkya Udane, learned Counsel for the Petitioner and Mr. Mahesh Vishwakarma, learned Counsel appearing for the Respondent in Contempt Petition No.630 of 2024.
2. During the hearing of the Contempt Petition, Mr. Vishwakarma, learned Counsel, on instructions of the Respondent- Yogesh Narayan Dhawale, who is present in Court, made a statement that the Petitioner-wife is having a separate flat. However, Mr. Ajinkya Udane, learned Counsel appearing for the Petitioner-wife states that the stop work notice has been issued as far as the said construction is concerned and the said flat is not even constructed. Thus, statement made by Mr. Vishwakarma, learned Counsel, on instructions of the Respondent - Yogesh Dhawale, who is personally present in the Court is totally incorrect.
3. Mr. Udane, learned Counsel for the Petitioner points out the e-mail sent by the Respondent attaching photograph taken of a learned Single Judge. The said conduct prima facie amounts to contempt of Court.

4. Mr. Udane, learned Counsel also points out e-mail communication (Page 39 of Contempt Petition). By e-mail dated 23rd September 2024, Advocate Mr. Vinayak Pandit informed the Respondent as follows :-

23 September 2024 at 13:08

Reminder 4

This is to remind that there are outstanding school fees. Please pay the outstanding fees as soon as possible.

Vinayak Pandit Advocate

5. It is submitted by Mr. Udane, learned Counsel that as at the relevant time Advocate was not representing the Respondent, the e-mail has to be sent to the Respondent. He submits that the Respondent has sent the following reply :-

23 September 2024 at 18:41

Response. no.5

Reminder no. 3. Please refer to my earlier emails.

I am not going to repeat myself again. **I will take appropriate action against you if you continue to harass me.** As I mentioned earlier, if she doesn't

understand her responsibility then please handover custody of my child to me.”

(Emphasis added)

6. It is the submission of Mr. Udane, learned Counsel that unnecessarily learned Advocate who has sent e-mail on behalf of the Petitioner-wife is threatened. He submits that the Advocate who is the Officer of the Court and doing his duty has been threatened. He submits that the said conduct of the Respondent amounts to interference in the administration of justice.

7. Ms. Udane, learned Counsel for the Petitioner has pointed out screenshot taken from the matrimonial website “Jeevansathi.com”, which is annexed at page 40 of the Contempt Petition. The said screenshot shows that the Respondent has represented that his annual income is between Rs.35 to 50 Lakhs per annum, whereas in the proceedings seeking maintenance the Respondent has come out with the case that the Respondent is getting salary of Rs.20,000/- per month.

8. Mr. Vishwakarma, learned Counsel for the Respondent, on instructions of the Respondent submitted that the Respondent has created profile which is appearing on the said “Jeevansathi.com” website and immediately the said profile has been deleted. However, after some time, the Respondent instructed Mr. Vishwakarma, learned Counsel that the said profile was on the said website for a period of about three months and thereafter the same was deleted. Thereafter again the Respondent instructed Mr. Vishwakarma, learned Counsel that the said profile was created by the Respondent, accessed the same for about 3 months and thereafter the same was not accessed.

9. Mr. Vishwakarma, learned Counsel states that although most of the above contentions are raised by Mr. Udane, learned Counsel on the basis of the material produced in the Contempt Petition and although a detailed Affidavit-in-Reply dated 12th February 2024 has been filed, still many contentions raised in the Contempt Petition have not been dealt with. He further states that as the Respondent is changing his stand and making contradictory statements, in the interest of justice, an opportunity be given to the Respondent to file further Affidavit-in-Reply on the terms stipulated by this Court.

10. Accordingly, in the interest of justice, the Respondent is granted opportunity to file an additional Affidavit-in-Reply which shall be filed on or before 24th February 2025 on the condition that the Respondent shall pay cost of Rs.10,000/- to the Petitioner-wife. Said cost be paid within a period of two days from today.

11. At this stage, Mr. Udane, learned Counsel for the Petitioner also seeks leave to file an additional affidavit. The same be filed on or before 17th February 2025 so that the Respondent can deal with the contentions raised in said additional Affidavit.

12. Stand over to **26th February 2025 at 3.30 p.m.**

13. It is clarified that the pendency of the Writ Petition and the Contempt Petition is not an impediment for the executing Court to proceed with the Execution Proceedings.

[MADHAV J. JAMDAR, J.]