

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15192 OF 2024
IN
FAMILY COURT APPEAL NO. 137 OF 2019

Mrs. Prema Yogendra Bhoir
Versus

...Applicant

Mr. Yogendra Lahu Bhoir

...Respondent

Adv. Divya A. Pawar a/w Adv. Krishnakant Deshmukh, for the Respondent.
Mr. Yogendra Lahu Bhoir, Respondent in person.
Mrs. Prema Yogendra Bhoir, Applicant in person.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 25 APRIL 2025

P.C.:

1. We refer to the order passed by this Court on the present proceedings and more particularly our order dated 7 February 2025 in regard to the applicant/wife's contention that the respondent/husband during the pendency of the present proceedings has remarried which was asserted by the applicant/wife on the basis of materials which she had placed on record. For the correct position to come on the record as directed by this Court, the respondent/husband has placed on record of the present proceedings an affidavit dated 14 February 2025 categorically stating that he has not remarried and that he has no marital relationship with anyone. He also specifically stated that he is not married to one Jaishree Sham Tamboli. He stated that the statement in that regard as made by the applicant/wife is false. In such context, in our order dated

14 February 2025. We have made the following observations :-

“11. We may also note that the situation is also quite peculiar, inasmuch as the applicant-wife has stated on affidavit that the respondent-husband has re-married. She has also placed evidence in the form of photograph as annexed to her affidavit. Although a vague rejoinder-affidavit of the husband was filed which does not contain a positive statement that he has re-married, and for this to be ascertained when we passed over the matter today, to enable the advocate for the respondent to take instructions, the time was utilized to place on record an affidavit that the respondent has not re-married as per the allegations of the applicant. Responding to this, the applicant, who appears in person, has with all pains stated that the son born from the wedlock is staying with the grandmother in different premises and the respondent-husband is staying with a lady, which according to her is a second wife, at a different place. She has made several other allegations.”

(emphasis supplied)

2. We may also observe that, however, considering the materials which were placed before us by the applicant/wife, we had passed a separate order directing a discrete enquiry to be undertaken. It was so ordered, to ascertain whether the allegations which are made by the applicant/wife in regard to the second marriage of the respondent during the pendency of the proceedings were correct. This more particularly that the allegation of the second marriage was without the first marriage being annulled and proceedings in that regard being pending before this Court. We had accordingly directed that a report be placed before this Court.

3. In pursuance thereto the officer in-charge of the concerned police station as directed by the Commissioner of Police (Crime Branch Unit –I, Thane, City) has submitted two reports before this Court. The last report is report dated 23 April 2025 as forwarded to the Registrar Judicial – I of this Court recording that

the respondent Yogendra Lahu Bhoir is residing with Jaishree Yogendra Bhoir (maiden name Jaishree Sham Tamboli) along with daughter Kumari. Sidhi Yogendra Bhoir at the address Ambarchaya Cooperative Housing Society, B-Wing/Flat No. 104 near railway gate, Neral- 410101. It is further recorded that Kumari. Ridhi Yogendra Bhoir is taking education at Nairs Kinder Garden, Hutib Park, Karjat – Badalapur road, Neral – 410101 and she is stated to be in the junior-KG class.

4. Considering the report as received by us from the police department, it is apparent that the affidavit dated 14 February 2025 filed by the respondent/husband - Yogendra Lahu Bhoir is a false affidavit. Filing false affidavit in the judicial proceedings, certainly would amount to not only perjury but also attracting the provision of Section 277 of the Bhartiya Nyaya Sanhita, 2023 but also would amount to Criminal Contempt of Court as defined under Section 2(c)(ii) of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution. The position in law in this regard is well settled. We would pass further appropriate orders in this regard on the adjourned date of hearing. We direct that the respondent - Yogendra Lahu Bhoir to remain present in the Court on the adjourned date of hearing.

5. The learned counsel for the respondent/husband has very fairly and ably assisted the court in the present proceedings despite such conduct of the client. The respondent is present in the court, on whose instruction, learned counsel for respondent has placed before the Court an offer for “full and final settlement”, as being extended by the respondent/husband to the applicant/wife.

A copy of the same is taken on record. Such offer is also handed over to the respondent-wife who appears in person. She states that she will consider the offer and inform the Court, the position she intends to take on such offer.

6. We shall accordingly proceed to pass further appropriate orders on the adjourned date of hearing on the present proceedings and more particularly on the issues as flagged by us, which are very serious in nature touching the administration of justice.

7. Stand over to **29 April 2025**.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]