

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16233 OF 2024

Ajit Vinayak Desai	...Petitioner
Versus	
Pranita Ajit Desai	...Respondent

IN

REVIEW PETITION NO.154 OF 2024

Ajit Vinayak Desai	...Petitioner
Versus	
Pranita Ajit Desai	...Respondent

Mr. Amol B. Jagtap, Advocate for the Petitioner.

None for Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 4 MARCH 2025

P.C.:

1. This Application for delay condonation along with Revision Petition has been filed by the Petitioner (husband) thereby assailing the order dated 12 April 2024 passed by this Court in Writ Petition No.10371 of 2022. For ease of reference, the order dated

12 April 2024 is reproduced herein below :

“This Writ Petition is filed by the husband challenging the impugned order dated 1 June 2022. Ms.Wagle appearing for the Respondent Respondent submits that as of today the outstanding amount would be Rs.5,90,000/-. Mr.Jagtap appearing for the Petitioner submits that the interim maintenance should be calculated from 26 February 2022. Since the parties were jointly staying together till 26 February 2022, therefore, his client will not be liable to pay any amount prior to 26 February 2022.

2. In order to show his bona-fide, the Petitioner to deposit a sum of Rs.5,90,000/- with the Family Court, Pune within a period of two weeks from today, without prejudice to the rights and contentions of both the parties.

3. Stand over to 26 April 2024.”

2. Mr. Jagtap, the learned Advocate for the Petitioner(husband) submits that the amount mentioned in the order dated 12 April 2024 has been wrongly recorded. According to him, the amount of Rs.5,90,000/- mentioned in the order dated 12 April 2024 represents the maintenance payable by the husband towards the daughter at the rate of Rs.20,000/- per month from the date of the Application filed by the wife.

3. As regards the wife, no maintenance is payable as per the order passed by the Family Court. The monthly maintenance amount of Rs.20,000/- has been calculated from the date of the Application, i.e., 17 September 2022.

4. It is the case of the Petitioner (husband) that since daughter and the wife stayed with him till 26 February 2022, no maintenance would be payable till the date of separation. Therefore, the said amount is disputed, and this issue is to be decided when the Writ Petition No.10371 of 2022 is adjudicated on merits.

5. Without admitting and only for the sake of argument, if it is considered that the amount payable of Rs.20,000/- per month should be from date of separation, i.e., 26 February 2022, even then as of 12 April 2024 (the date of the order passed by this Court), the maintenance amount payable to the daughter would be approximately

Rs.5,00,000/-.

6. Mr. Jagtap, the learned Advocate for the Petitioner, a calculation made by the husband. According to him, apart from the amount payable as maintenance to the daughter at the rate of Rs.20,000/- per month, the husband has also paid the daughter's school fees etc. Therefore, he contends that the amounts already paid should be adjusted. While calculating Rs.20,000/- per month.

7. However, I am is not inclined to accept this argument of Mr. Jagtap as in my view the same smacks malafides.

8. Mr. Jagtap admits that after the passing of the order dated 12 April 2024, the Petitioner (husband) has not complied with the directions of Family Court to pay Rs.20,000/- per month towards daughter's maintenance from 12 April 2024 till now. According to me the said outstanding amount from 12 April 2024, till now would be roughly Rs.2,20,000/-.

9. Therefore, even if I consider the calculation though not admitted was Rs.20,000/- per month was to be deducted from the maintenance amount from the date of the application until the date of separation, even then the total arrears would still amount to Rs.7,20,000/-. Hence, the Petitioner(husband) is directed to deposit the said amount immediately, without prejudice to the rights and contentions of the

parties.

10. The Petitioner (husband) is working in a managerial position in the Pune IT sector and earns a net salary of approximately Rs.1,50,000/- per month. Though he was aware of the order passed by the Family court on 1 June 2022 and by this court on 12 April 2024, he chose to delay orders of this Court, by refusing to pay maintenance for his own daughter. Belatedly he has filed Review Petition on 14 November 2024. The Petitioner appears to be well worsed in avoiding the process of law.

11. For filing frivolous application in my opinion there must be an order imposing cost against the Petitioner. Hence, The Petitioner is directed to pay a cost of Rs.5,00,000/- to the Respondent (wife) within a period of six weeks from today. The said amount of Rs.5,00,000/- should be deposited in fixed deposit by the wife in the joint account with the daughter. The said amount can be withdrawn only with the leave of the Court. Matter to come up on board on **15 April 2025** under the caption “**For Compliance**” before the regular Court.

12. In view of the above, the Review Petition is disposed of. Consequently, the Interim Application No.16233 of 2024 also stands disposed of.

(RAJESH S. PATIL, J.)