

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SUO MOTO) CONTEMPT PETITION NO.15 OF 2024
IN
CIVIL WRIT PETITION NO.15415 OF 2023

High Court On its Own Motion ...Petitioner
Versus
Amitkumar Sureshkumar Bakliwal ...Respondent

Ms.Shivani Gautam a/w. Mr.Tanoj Joshi, Advocate for Respondent.

CORAM: MANJUSHA DESHPANDE, J.

DATED: 21st NOVEMBER 2025.

PC:-

1. This Suo Moto Contempt Petition is registered pursuant to the orders passed by this Court on 16th October, 2024 (Coram : Gauri Godse, J.). After taking of cognizance, a notice came to be issued to the respondent. The respondent has appeared and filed an affidavit on 21st January, 2025.

2. This Court while deciding the Writ Petition No. 15415 of 2023 on 12th September 2024, has recorded that the petitioner has agreed to pay an amount of Rs.1,00,000/- towards the education expenses of the son. The petitioner had further undertaken that, he will pay an amount of Rs.1,00,000/- within two weeks from the date of order towards the arrears of maintenance. The petitioner had further made a statement that the remaining arrears, would

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also be paid at the earliest. The statement made on behalf of the petitioner was accepted as an undertaking given to the Court.

3. It was observed that, inspite of giving an undertaking to this Court, the petitioner has failed to make payment. Hence, *prima facie* being satisfied that the petitioner has committed deliberate breach of an undertaking given to this Court, a notice of contempt was directed to be issue against the petitioner under Chapter XXXIV, Rule (9) of the Contempt of Court Act, Bombay High Court Rules, 1994. Upon notices being issued, the Suo Moto contempt petition No.15 of 2024, was registered. The respondent filed an affidavit, in which he has submitted his unconditional apology to this Court. According to him he has highest respect for this Court and he has not shown any disrespect or disregard to the orders passed by this Court. The learned counsel appearing for the respondent has drawn my attention to the relevant paragraph i.e. paragraph no.3 of the order dated 12th September, 2024, wherein his undertaking has been recorded, which reads thus:

“3. Learned counsel for the respondent makes a grievance that though the petitioner had agreed to pay the amount of Rs. 1,00,000/- for payment towards the educational classes for the son and Rs.1,00,000/- towards arrears of maintenance to the wife, the petitioner has paid only an amount of Rs. 1,00,000/-. He thus, submits that further undertaking for payment of Rs. 1,00,000/-towards maintenance has not been complied with by the petitioner.”

4. The said paragraph has been reproduced in the order dated 16th October, 2024, when the notice of contempt came to be issued. Upon going through the order dated 12th September, 2024, it appears that the counsel for the petitioner, on instructions, had

made a statement that the petitioner shall pay an amount of Rs.1,00,000/- within two weeks from the date of the order and had made a statement that, the remaining arrears will also be paid at the earliest. The said statement is accepted as an undertaking to this Court. Learned advocate has drawn my attention to the deposit slip of State Bank of India dated 26th September, 2024 for an amount of Rs.1,00,000/- deposited in the account of one Ms. Nilima Amitkumar Bakliwal.

5. It is contended by the respondent that the undertaking has been complied with by the respondent by depositing the amount within the time prescribed. The undertaking was given on 12th September, 2024 to deposit the amount within two weeks, which came to an end on 26th September, 2024, and accordingly, on the very day, he has deposited the amount. It is further submitted that even the rest of the undertaking regarding an endeavour being made to pay the remaining arrears of the maintenance has been complied by the respondent by depositing an amount of Rs. 2,40,000/- on 6th January, 2025 in the Family Court, Pune and again an amount of Rs.2,00,000/- on 20th January, 2025, in the Family Court, Pune. It is thus, the submitted that, he has not committed any willful or deliberate contempt with orders as well as the undertaking given to this Court.

6. After hearing the submissions of the learned advocate appearing for the respondent and after going through the papers filed alongwith their reply filed to the present contempt petition, it appears that indeed an statement was made before this Court by the learned advocate appearing for the petitioner that, he would

pay an amount of Rs.1,00,000/- within two weeks from the date of the order and further make an endeavour to clear the arrears at the earliest. Accordingly, he has deposited the amount on the last date of completion of two weeks by depositing an amount of Rs.1,00,000/- in the account of Ms. Nilima Amitkumar Bakliwal. He has also made an endeavour as per the undertaking given to this Court by depositing an amount of Rs.2,40,000/- and Rs.2,00,000/- on 6th January, 2025 and 21st January, 2025, respectively.

7. Therefore, I am satisfied that there is no contempt of the orders passed by this Court more particularly, the breach of undertaking given to this Court, which is recorded in the orders dated 12th September, 2024 and 16th October, 2024 while issuing notice of contempt by this Court.

8. Hence, the Contempt Petition stands dismissed.

(MANJUSHA DESHPANDE, J.)