

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CONTEMPT PETITION NO.179 OF 2025
IN
WRIT PETITION NO.4490 OF 2024***

Ms.Komal Kushal Kamble and Anr. Petitioners

Versus

Kushal Kaluram Kamble and Anr. Respondents

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Mr.Mohit Khanna a/w. Mr.Shamant Satiya and Ms.Priyanka
Mehta i/b. Mr.Pravin Patil, Advocate for the Petitioners.

Mr.Asadali Z. Mazgaonwala a/w. Ms.Tanvi Shah i/b. Mr.Asadali
Z. Mazgaonwala, Advocate for Respondent No.1.

Mr.Kushal Kamble, Respondent No.1, present.

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CORAM : MANJUSHA DESHPANDE, J.

DATED : 01.07.2025.

P.C. :

1. This Court on 17.06.2025, after considering the arguments of the parties, has directed Respondent No.1 to file an affidavit as to why an action under the Contempt of Courts Act, 1971 should not be initiated against him. On the same date, Respondent No.1 handed over a Demand Draft for Rs. 2,00,000/- in favor of Janseva Sahakari Bank Limited, Pune, to

**RAJESHRI
PRAKASH
AHER**

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the Petitioner. The cheque was accepted and Respondent No.1 was directed to file an affidavit within a period of eight days. On 30.06.2025 when the matter was listed, it was informed that the Advocate appearing for Respondent No.1 was in a personal difficulty and on his request, the matter was adjourned till 01.07.2025. Today, the learned Advocate for Respondent No.1 has filed an affidavit in which it is stated that he is unemployed since 2017, and, therefore, he is not in a position to make payment of arrears of maintenance. He has also come up with the proposal to schedule a payment which he proposes to clear the arrears of maintenance in a tabular form which shows that starting from 17.06.2025 to 15.02.2027 he proposes to make payment of Rs.1,00,000/- per month vide Bank transfer for clearing the arrears of maintenance due towards the Petitioner. Notably, despite the issuance of the initial notice, Respondent No.1 has failed to file an affidavit. Moreover, when an affidavit was eventually filed, it did not include an apology for his conduct of non adherence of the orders passed by this Court. This itself reflect the mindset and conduct of Respondent No.1. The learned advocate for the Petitioner has taken me through the orders passed by the Family Court and this Court. After hearing the parties, the order passed by the Family Court was

modified, and the amount of maintenance was enhanced by this Court *vide* order dated 29.11.2024. Even that order dated 29.11.2024 was further modified by granting interest on the arrears of maintenance. The learned Advocate for the Petitioner has also taken me through various documents, which clearly reflect the stand of Respondent No.1 that he does not have any source of income, is not correct, and the documents placed on record falsifies his claim.

2. After hearing the parties at length, the learned Advocate for the Respondent No.1 makes a statement that, he will come with another proposal with a revised schedule of payment to be made to the Petitioner in installments in the next week. He will make arrangements for payment of amount of Rs.3,00,000/- to be paid to the Petitioner in the next date.

3. Though from the case on record, it is apparent that the orders passed by the Court have been breached time and again and there is no compliance of the order. However, considering the proposals with which Respondent No.1 has come, it would be appropriate and in the interest of the Petitioner, who is in dire need of the money, considering her medical condition to grant

one more opportunity to the Petitioner to make some arrangement for clearing the arrears of maintenance. In the meanwhile, the parties are at liberty to explore the possibility of settling the issue and making arrangements for payment of arrears.

4. Today, Respondent No.1 is present personally as directed by this Court, he will continue to remain present till the disposal of the Contempt Petition.

5. List the matter on **10.07.2025** at 03:00 p.m. To be listed on second on Board.

[MANJUSHA DESHPANDE, J.]