

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.183 OF 2025

WITH

CRIMINAL REVISION APPLICATION NO.158 OF 2022

WITH

CRIMINAL REVISION APPLICATION NO.124 OF 2022

Zainab Hamza Shaikh

...Petitioner

Versus

Hamza Yusuf Shaikh

...Respondent

Mr. V.K. Gupta a/w Ms. Anjoo Pandey for Petitioner in CP and for Applicant in CRA.

Mr. Faiz Ahmed Khan, Advocate for Respondent No.2 in Criminal Revision Application No.158 of 2022 and for Respondent No.1 in Criminal Revision Application No.183 of 2025.

Mrs. Disha Mehta i/by King Stubb and Kasiva for Respondent No. 2 in Contempt Petition.

CORAM: MADHAV J. JAMDAR, J.

DATED : 21st July 2025

P.C.:

1. Heard Mr. Gupta, learned Counsel for the Petitioner, Mr. Khan, learned Counsel for Respondent No.1 and Ms. Mehta, learned Counsel for the Respondent No.2.

2. This Court has passed following Order on 9th May 2025 :

“1. Heard Mr. Gupta, learned Counsel for the Petitioner, Ms. Faiz Khan, learned Counsel for Respondent No.1 and Ms. Disha Mehta, learned Counsel for Respondent No.2.

2. In the Contempt Petition, the contention is raised that the Respondent No.1 has not complied with the Consent Terms. This Court passed Order in Criminal Revision Application No. 158 of 2022 and Criminal Revision Application No.124 of 2022, by which both Applications were disposed of in term of the Consent Terms.

3. In the said Order, it is also observed that all the statements made in the Consent Terms are accepted as undertakings given to this Court by both the parties. In the Consent Terms, the Respondent No.1 has agreed that he would pay one time permanent alimony of Rs.20,00,000/-. He has undertaken that Rs.10,00,000/- would be deposited on or before 15th March 2025 and balance Rs.10,00,000/- would be deposited on or before 15th April 2025. The said undertaking is not complied with, and therefore, the Contempt Petition is filed.

4. On 6th May 2025, learned Counsel for the Respondent No.1, on instructions of the Respondent No.1 submitted that an amount of Rs.10,00,000/- would be deposited in the account of the Petitioner on or before 8th May 2025. Learned Counsel for the Petitioner confirms that the said amount is deposited in the account of the Petitioner.

5. Mr. Faiz Ahmed Khan, learned Counsel for the Respondent No.1 tenders Undertaking in the Court of Respondent No.1-Hamza Yusuf Shaikh. In the said Undertaking, it is stated as follows :

“1. That I most respectfully tender my apology before this Hon'ble Court for the contempt committed by me. I have the highest regard for the majesty and dignity of this Hon'ble Court

and undertake to be more careful and respectful in the future.

2. That I further undertake to pay the remaining balance amount Rs. 10,00,000 the permanent alimony awarded to Zainab Hamza Shaikh on or before 30th June, 2025, without any further delay or default.”

6. Thus, the Respondent No.1 has given undertaking that he will deposit balance amount of Rs.10,00,000/- in the account of the Petitioner on or before 30th June 2025. The Respondent No.1 has also tendered apology. The above written undertaking given by the Petitioner is accepted.

7. As the Respondent No.1 has tendered apology and has also purged the contempt by paying Rs.10,00,000/- and as he has given undertaking to pay balance amount of Rs.10,00,000/- on or before 30th June 2025, by accepting said apology, no further action needs to be taken. Accordingly, the Contempt Petition is disposed of.

8. However, to ensure compliance of the undertaking given by Respondent No.1, stand over to 7th July 2025.”

3. Mr. Khan, learned Counsel for the Respondent No.1 submits that the Order dated 9th May 2025, has been complied with. The Respondent No.1- Hamza Yusuf Shaikh is personally present in the Court and he tenders unconditional apology for the delay in making payment as per the undertaking given to this Court. The said apology is accepted. As Order dated 14th February 2025 passed by this Court in Criminal Revision Application No.158 of 2022 with

Criminal Revision Application No.124 of 2022 as also Order dated 9th May 2025 passed by this Court is also complied with, it is clear that the Respondent No.1 has purged the contempt.

4. Accordingly, no further action needs to be taken in the Contempt Petition No. 183 of 2025 in view of acceptance of the apology tendered by the Respondent No.1 and as the Respondent No.1 has purged the contempt.

5. At this stage, Mr. Khan, learned counsel for the Respondent No.1 points out Clause Nos. 5 and 6 of the Consent Terms and Mr. Gupta, learned Counsel for the Petitioner points out Clause No. 2 of the Consent Terms.

6. Both the Petitioner and the Respondent No.1, who are personally present in the Court state that the Clause No.2 of the Consent Terms will be complied with within 30 days from today. The said clause No.2 reads as under:-

“2. Since, both the Parties are Muslim and decided to give Divorce by Mutual Consent as per dissolution of Marriage Act, 1939 wherein during the pendency of the litigation the husband married and having two children. Therefore, the Divorce by Mutual Consent only available

to Applicant wife as "Khula". Both the parties agreed to appear before Maulana/ Qazi for taking "Khula" as per Muslim rituals."

7. Both the Petitioner and the Respondent No.1, who are personally present in the Court state that Clause Nos. 5 and 6 of the Consent Terms will be complied with within a period of 60 days from today. The said clauses read as under :

"5. It is agreed between both the parties that there is a one-time/permanent alimony settlement of Rs. 20 lakhs. The Parties will withdraw all the matters/legal proceedings viz. Criminal Application E 139/2020 filed before Family Court, Police case PW 191 of 2019, Miscellaneous case 354 of 2022 and along with present CRA No. 158 of 2022 and CRA 124 of 2022 filed by Respondent Husband only after filing of the consent terms and realising the above said permanent alimony in the Bank account of the Applicant.

6. The Respondent No.2 Husband will file Quashing proceeding for himself before Hon'ble High Court for quashing FIR 347 OF 2023 filed by the Applicant Wife against Respondent No.2 and others. The Applicant wife will give her consent for the quashing the said FIR only for Respondent No.2 Husband."

8. The above statements made by the Petitioner and Respondent No.1 are accepted as undertakings.

9. Accordingly, the Contempt Petition is disposed of in above terms, with no order as to costs.

(MADHAV J. JAMDAR, J.)