



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.53/2024

IN

CRIMINAL WRIT PETITION NO.604/2021(D)

Smt. Smita w/o Prashant Udupure @ Smita d/o Dr. Omprakash Tripathi and
another

Vs.

Prashant Shamrao Udupure

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.N. Vastani, Advocate for petitioners
Shri K.R. Tripathi, Advocate for respondent

CORAM : PRAVIN S. PATIL, J.

DATE : 05.12.2025

1. The perusal of the record shows that learned Judicial Magistrate First Class, Gondia, by order dated 31.10.2020 directed the present respondent to pay the maintenance to the present petitioners at the rate of Rs.30,000/- and Rs.15,000/- towards the rent of the house i.e. total Rs.45,000/- per month. The said order was challenged in Criminal Writ Petition No.604/2021.

2. In the Writ Petition, the stand was taken by respondent that he is out of employment. Therefore, this Court has reduced the amount of maintenance and recorded specific findings in paragraph No.6 of the order dated 07.03.2022 as under:

“6. *The petition is accordingly allowed in*

above term. It is, however, made clear that in case the petitioner's contract is renewed or he enters into another contract with another company, the petitioner shall be under an obligation to disclose the same before the trial Court and to place the copy of the same, before it, considering which it would then be permissible for the learned JMFC to pass appropriate order in that regard. Similarly in case Respondent No.1/wife secures the job, she will also be under an obligation to place relevant documents on record, in which case also the learned JMFC shall consider appropriate molding of the amount of maintenance and rental as directed in this order.”

3. In the present petition, it is alleged that though the respondent got employment in the month of April 2022, he has not disclosed the said fact to the Judicial Magistrate nor to any Court and thereby he has committed contempt of the order of this Court.

4. Learned Counsel for respondent has stated that there is a delay on his part to give information to the Court about his appointment. However, he stated that due to complaints at the instance of present petitioners to the officers of his Company, he is facing serious hardship and his service is in danger.

5. In the circumstances, it is clear that the present petition is arising out of a matrimonial dispute and to

subserve the interest of justice, it will be proper that instead of taking strict action in the matter, this matter should be resolved amicably.

6. In my view, for that purpose, it is necessary to direct the parties to place on record the status of the maintenance proceedings and how much arrears are remained to be paid by their independent affidavit on record. After receipt of the same, an appropriate order will be passed to resolve the controversy in the matter.

7. List the matter on 08.12.2025.

(PRAVIN S. PATIL J.)

R.S. Sahare