

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.17967 OF 2024

Samir Christopher Fernandes

...Petitioner

Versus

Sonya Marise Misquitta

...Respondent

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Mr. Sharad Kulkarni a/w. Ms. Shilpa Kadam and Mr. Birajdar, for
the Petitioner.

Ms. Shruti P. Pokale i/b. Mr. Aadesh Konde-Deshmukh, for the
Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED : 27th JANUARY 2026

PC:-

1. Heard Mr. Kulkarni, learned Counsel appearing for the
Petitioner and Ms. Pokale, learned Counsel appearing for the
Respondent.

2. By the present Writ Petition filed under Article 227 of the
Constitution of India, the challenge is to the legality and validity of
the order dated 1st May 2024 passed by the learned Judge, Family
Court, Pune at Pune. The said order reads as under:

*“It appears that the maintenance amount due
towards respondent in D.V. proceedings.*

Respondent is claiming access but not discharging his responsibility. Respondent is directed to deposit 50% of arrears amount. Whatever, maintenance amount due towards him. Show is bonafide. The amount be deposited within three days. After depositing amount as above appropriate order will be passed for access of child. Matter be kept on 4.6.24.”

3. Thus, the learned Judge, Family Court, Pune at Pune in the application seeking access of the child has adjourned the matter, as it is contended by the learned Advocate appearing for the Respondent-wife that the maintenance of the child has not been paid.

4. It is the submission of Mr. Kulkarni, learned Counsel appearing for the Petitioner that entire maintenance has been paid.

5. On the other hand, Ms. Pokale, learned Counsel appearing for the Respondent-wife submits that there are arrears of about Rs.2,20,000/-.

6. By the impugned order the matter is adjourned to the next date and both the parties were directed to satisfy that the

maintenance order has been complied with by the Petitioner-husband.

7. Thus, no interference in the impugned order is warranted, as merely matter is adjourned by the impugned order.

8. Accordingly, both parties shall place before the learned Judge, Family Court, Pune at Pune, material demonstrating that the Petitioner-father has paid the maintenance and/or there are outstanding arrears.

9. It is clarified that this Court has not considered the merits and all contentions in that behalf are expressly kept open.

10. The Writ Petition is accordingly disposed of with no order as to costs.

[MADHAV J. JAMDAR, J.]