



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

Family Court Appeal No.71 of 2025

Vivek s/o Ashok Nandanwar

vs.

Harsha w/o Vivek Nandanwar

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Ms. S.N. Deshpande, Advocate for the Petitioner.

Mr. M.B. Turankar, Advocate for the Respondent sole.

CORAM : **ANIL L. PANSARE & NIVEDITA P. MEHTA, JJ.**

DATE : **24th MARCH, 2026.**

The challenge is to the order dated 14/07/2025 passed by the Family Court, Bhandara, below applications at Exh.1 and Exh.36, thereby allowing the said applications and dismissing the original petition.

02. The Family Court had earlier passed an order dated 18/06/2025 below Exh.25, which is an application moved by the respondent-wife seeking school expenses from the petitioner-husband for their son.

03. During the course of hearing before the Family Court, the petitioner expressed his readiness and willingness to pay the fees, subject to the condition that the respondent would provide relevant documents pertaining to the child's admission so as to enable him to seek reimbursement from the CRPF authorities, where he is working as a Water Carrier. The Family Court, accordingly, allowed the said application and directed the petitioner to pay the educational/admission expenses of the child to the respondent or directly to the school authorities. The Family Court also directed the respondent to furnish all necessary documents to the petitioner so as to enable him to avail the benefit of reimbursement from his department

04. The grievance of the respondent was that, despite furnishing the requisite documents, the petitioner did not pay the expenses and, therefore,

the respondent-wife moved yet another application at Exh.36 seeking dismissal of the petition on account of non-compliance of the Court's order. According to the respondent, the petitioner refused to pay the amount despite requests made by her and, therefore, the school authorities issued a warning that the child will not be allowed to continue education unless and until the school fees are paid. The learned Counsel for the respondent submits that, in fact, the child was not allowed to continue education.

05. The Family Court took a note of the aforesaid fact and took a view that the petitioner had intentionally and deliberately avoided payment of the child's school expenses as directed vide order passed below Exh.25, and thus allowed the said application (Exh.36). Resultantly, the petition filed by the petitioner seeking divorce came to be dismissed.

06. The learned Counsel for the petitioner submits that, on 13/08/2025, the petitioner has paid the school expenses. The receipt thereof is placed on record as Annexure-XI. This fact is not disputed by the respondent. Thus, it appears that the petitioner has taken corrective steps.

07. The learned Counsel for the petitioner further submits, on instructions, that the petitioner will continue to pay the school expenses and will pay the same within time. The said statement is accepted as an undertaking given to this Court.

08. That being so, and considering the nature of the dispute, wherein the petitioner has approached the Court seeking dissolution of marriage, non-continuation of the petition will yield no fruitful result and will be of no advantage to either party. We, accordingly, set aside the impugned order with the following directions.

- I. The petitioner shall, within seven days of the respondent furnishing the requisite documents, pay the expenses as ordered by the Family Court below Exh. 25.
- II. In the event of any further breach of the said order, the Family Court shall be at liberty to pass appropriate orders, including

order of dismissal of the petition.

- III. With the aforesaid directions, the impugned order dated 14/07/2025 passed below Exh. 36 is quashed and set aside.
- IV. The proceedings before the Family Court, being Petition No. A-127/2024, are restored to file.
- V. The parties shall appear before the Family Court, either personally or through their Advocates, on 4th April, 2026.
- VI. The appeal is disposed of in the above terms. There shall be no order as to costs.

**sandesh*

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)