

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR RECALL) NO. 2953 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 18669 of 2016

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PAVANBHAI DAHYABHAI PATEL

Versus

KASHVI PAWANBHAI PATEL SINCE MINOR THR. HER GUARDIAN & ANR.

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MR HARESH J TRIVEDI(927) for the Opponent(s) No. 1,2

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CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 21/02/2025

ORAL ORDER

1. When the matter was taken up for hearing, learned advocate Mr. Haresh J. Trivedi for the opponent Nos.1 and 2 submitted that applicant has not complied with the direction given by this Court vide order dated 07.02.2025.

2. Heard learned advocate Mr. Ashish M. Dagli for the applicant and learned advocate Mr. Haresh J. Trivedi for the respondents.

3. Learned advocate Mr. Ashish M. Dagli for the applicant submitted that the applicant could not deposit the outstanding amount of Rs.5 lakh towards maintenance. It is further submitted that applicant has got Demand Draft ready for compliance of the

order dated 07.02.2025. Learned advocate for the applicant has submitted that applicant has come with the original Demand Draft to be deposited but there is no specific order by this Court to the Registry to accept the Demand Draft, the amount is not deposited.

4. Having heard the submissions of learned advocates for the respective parties and looking to the conduct of the applicant that by one reason or the other, the applicant is intentionally avoiding the compliance of the order dated 07.02.2025 passed by this Court.

5. The submission canvassed by learned advocate for the applicant that there is no clear direction by this Court regarding deposit of maintenance by demand draft is not only surprising but also shocking. An attempt is made by learned advocate for the applicant to canvass his submission that there has to be a specific order of deposit of outstanding amount either by cheque or by demand draft such contention is not only rejected, but it was not expected by this Court that learned advocate for the applicant would try to defend his client by making such hollow submission.

7. It is needless to observe that the order dated 07.02.2025 was passed after the submission of learned advocate Mr. Ashish M. Dagli that he has received the instructions from the applicant to deposit the amount within a period of ten days. Undisputably, as on today, the order has remained non-complied with. There is no justifiable reason given by learned advocate for the applicant for the non-compliance of the order dated 07.02.2025 passed by this Court.

6. In view of the above stated facts, a huge amount of maintenance is outstanding and more particularly, when the applicant has admitted in para No.4 of the additional affidavit dated 29.01.2025 that an amount of Rs.5 lakh is still outstanding towards maintenance. Registry is directed to take appropriate steps for non-compliance of the order dated 07.02.2025 passed by this Court against the applicant.

Stand over to 28.02.2025.

RINKU MALI

(D. M. DESAI,J)