



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2968 OF 2022
IN
FAMILY COURT APPEAL NO. 33 OF 2022

Bharat Prataprao Chavan Patil

... Applicant/Appellant

Vs.

Richa Bharat Chavan Patil

... Respondent

Mr. Anand Kumar i/b. Mrs. Daulat A. Jehangir with Mr. Bharat Patil for the
applicant/appellant.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
(In Chamber)
DATED: 7 MARCH, 2025

P.C.

1. On 21 February, 2025, we had passed a detailed order adjourning the proceedings for today, so as to enable the respondent to appear by Video Conferencing. We had also observed that if despite notice the respondent fails to appear, the Court would be required to treat the case as non-compliance of the orders of the Indian Court and proceed to pass further appropriate orders, so that the orders can be implemented through the respective Consulate and through the process of law as may be applicable.

The said order reads thus:

“We had passed a detailed order on 7 February, 2025 permitting the advocate for the applicant to serve the respondent, so that the respondent can appear before the Court through Video Conferencing. However, despite specific order, the respondent did not appear.

Before we proceed to take further steps as noted in paragraph 2 of the order dated 7 February, 2025, we grant one more opportunity to the respondent to appear before us through Video Conferencing on the link as specified in paragraph 5 of the said order.

Considering the local time in Canada, we adjourn the proceedings to be listed in the Chamber on **7 March, 2025 at 6.30 p.m.**

Advocate for the petitioner shall communicate this order as also earlier order to the respondent by all permissible modes.

We may also observe that in the event, despite notice the respondent fails to appear, we would have to treat the case as non-compliance of the orders of the Indian Court and proceed to pass further appropriate orders, so that the orders can be implemented through the respective Consulate and through the process of law as may be applicable.”

2. Learned counsel for the appellant has placed on record an affidavit of service proving service on the respondent. We have perused such affidavit. The respondent is served with our order by Whatsapp/email and there is no material that she has not received such communication of the advocate for the appellant. In this view of the matter, considering the respondent's conduct as breach of our order, we issue a notice to the respondent to appear in the present proceeding on **28 March, 2025 at 6.30 p.m.** to be heard through Video Conferencing. The link of which is as under:

Website : <https://zoom.us>

Meeting ID : 205 574 1536

Link : <https://zoom.us/my/bhcjgsk>

3. The notice along with the present order be served through the Indian Consulate and by taking recourse to the procedure of service of Court summons under the Canadian law on the respondent. The advocate for the petitioner is permitted to accordingly take Hamdast, which be provided

along with a copy of this order duly sealed and stamped. The same be forwarded to the appropriate officer of the Ministry of External Affairs, Government of India to be transmitted to the Indian Consulate at Toronto, Canada for further procedure to be adopted to serve the notice. Let the concerned official of the Ministry forward a report of service to the Registrar (Judicial-I) of this Court on the email address – rgjudl-bhc@nic.in.

4. We clarify that in the event despite this attempt the respondent does not appear, there would be no alternative but to pass appropriate coercive order.

5. Stand over to **28 March, 2025 at 6.30 p.m.**

6. A certified copy of the order be provided to the appellant by Monday, i.e., 10 March, 2025.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)