

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.93 OF 2025

ARJUN
VITTHAL
KUDHEKAR

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Dr. Madhusudan alias Amod Dalvi ...Petitioner
Versus
Dr. Rajalaxmi Walavalkar ...Respondent

WITH
INTERIM APPLICATION NO.8998 OF 2025
IN
REVIEW PETITION NO.93 OF 2025

Dr. Madhusudan alias Amod Dalvi ...Applicant
Versus
Dr. Rajalaxmi Walavalkar ...Respondent

WITH
REVIEW PETITION NO.94 OF 2025
IN
WRIT PETITION NO.7536 OF 2019

Dr. Madhusudan alias Amod Dalvi ...Petitioner
Versus
Dr. Rajalaxmi Walavalkar ...Respondent

WITH
INTERIM APPLICATION NO.8999 OF 2025
IN
REVIEW PETITION NO.94 OF 2025

Dr. Madhusudan alias Amod Dalvi ...Applicant
Versus
Dr. Rajalaxmi Walavalkar ...Respondent

Mr. P.D. Prasad Rao a/w Gita Kastuti i/by Devika Purav and Nitin
Atpadkar, Advocate for Petitioner.
Ms. Devyani S. Bhavé a/w Ms. Asha D. More I/by Komal Shah,
Advocate for Respondent.
Mr. Vikramaditya Deshmukh, learned Advocate.

CORAM: MADHAV J. JAMDAR, J.
DATED: 5th August 2025

P.C.:

1. Heard Mr. Rao, learned Counsel appearing for the Petitioner, Ms. Bhavé, learned Counsel appearing for the Respondent and Mr. Deshmukh, learned Counsel who has been requested by Order dated 9th May 2025 to assist the Court.

2. The conduct of the Review Petitioner i.e. original Respondent (hereinafter referred to as the “**Review Petitioner**”), clearly shows that he is interfering in the administration of justice. It is the submission of Mr. Rao, learned Counsel for the Review Petitioner that the Order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 incorrectly records that the said order has been accepted by the Review Petitioner. Mr. Rao, learned Counsel submits that the Review Petitioner came to know about the incorrect recording of the said statement in Paragraph No.19 when the said Order dated 26th February 2025 has been uploaded on the website of the High Court on 20th April 2025. The said statement as well as the conduct of the Review Petitioner as recorded in the said order dated 26th February 2025 passed in Writ

Petition No.7536 of 2019 clearly shows that an attempt has been made to mislead the Court. The same amounts to suppression or concealment of the material facts.

3. At this stage, it is relevant to note the contents of the Affidavit dated 2nd July 2025 filed by the Review Petitioner in Review Petition No.93 of 2025 in Writ Petition No.6604 of 2019 which reads as under:

“1, Dr. Madhusudan Mangesh Dalvi, the petitioner abovenamed British citizen residing at 42 Mill Court Ashford Kent TN24 8DN do hereby state on solemn affirmation as under :-

1. I state that I have filed the above Review Petition in the facts and circumstances mentioned in the petition, and in view of the grave error apparent on the face of the record of Orders dt.26-2-2025 passed in W.P No. 6604/19 erroneously stating there in para No. 2 that I have accepted the Orders passed that day in W.P No. 7536/2025. I state that I had neither accepted nor consented to the said Orders, which were only available to me after they were uploaded on 20-4-2025.

2. I further state that on the said date of hearing on 26-2-25 while I was logged on through internet vide "Virutal Hearing" on the Hon'ble High Court weblink, while hearing, during the discussion on mutual amicable settlement, upon being asked I expressed my ability and willingness only to pay an amount of Rs.25 lakhs only, while my wife I again at

the cost of was insisting on an amount of Rs.2 Crores. repetition state that I only came to know of the amount of enhancement of from Rs.50,000/- to maintenance in Family Courts Orders dt.4-9-18 1,50,000/- and stated in said Orders as I having accepted it, only after the uploading of the Orders dt.26-2-2025. The true copy of the said Orders dt.26-2-2025 passed in W.P No.7536/2025 are annexed hereto and marked as Exhibit "A". I state that it is error apparent on the record, as I had not accepted nor consented to, as stated in the said Orders.

3. I state that I was informed by my Advocate the following day that in the Writ Petition No.7536/19 filed by my wife the Hon'ble High Court had enhanced the maintenance amounts, and in my W.P No.6604/19 the Written Statement filed before the Hon'ble Family Court was allowed to be taken on record and file.

4. I further state that only after the said Orders dt.26-2-2025 came to be uploaded and available for reading, did I come to see the contents as mentioned in para 19:-

“At this stage, Mr. Deshmukh, learned Counsel for the Respondent, on instruction of the Respondent, who is present in Court through V.C., states that the Petitioner is accepting this Order and arrears will be paid within eight weeks from today. He further states that the maintenance which has been granted by this Order will be paid on or before 10th day of each month, starting from 1 March, 2025. The said

statement made by Mr. Vikarmaditya Deshmukh, learned Counsel, on the instructions, is accepted as undertaking given to this Court by Respondent.”

which, I state is also an error apparent on the record, as there was no such communication at the time of hearing on 26-2-2025 from either Advocate Mr. Vikramaditya Deshmukh (or from Advocate on record) to me or from me to him with respect to any matter as appearing in the above and I humbly state on oath that thus there was no such exchange or communication, nor did I state that petitioner is accepting that Order as mentioned in para 26-2-2025.

5. I state that I was informed on 27-2-2025 about there being an enhancement in the maintenance, and was forwarded a copy of the consent minutes signed by Adv. Antara Kalambi for my perusal. However when thereafter I spoke to my advocate to seek further clarification on the details of compliance to orders passed in W.P No. 7536/2019 that is mentioned in para 4 of said consent minutes, I was told that it was with respect to enhanced maintenance given to respondent wife and the full details of order and its compliance will be known after the said orders are uploaded and available for reading. Even then I was not made known about anything about my acceptance or consent having been recorded in said Orders.

6. I humbly state that the said Orders dt. 26-2-2025 could only come to be read by me after they were uploaded on 20-4-2025 and was informed about them to me by my Advocate in India.

7. I humbly state that the Errors which are apparent on the face of the record are grave, and also are a miscarriage of justice, in as much as by such grave errors also deprive me of my valuable right to appeal, and if the same are not corrected by way of review, I would suffer grave prejudice, resulting in miscarriage of justice.

I state that all what is stated hereinabove is true to my own knowledge, and no part of it is false or have concealed any fact in my knowledge.”

Thus, in the above Affidavit *inter alia* following contentions are raised :-

i. Order dated 26th February 2025 passed in Writ Petition No.6604 of 2019 erroneously states in Paragraph No.2 that Review Petitioner has accepted the Orders passed in Writ Petition No.7536 of 2025.

ii. Review Petitioner had neither accepted nor consented to the said Orders, which were only available to the Review Petitioner after they were uploaded on 20th April 2025.

iii. The said Orders dated 26th February 2025 could only come to be read by Review Petitioner after they were uploaded on 20th April 2025.

4. The contention raised by the Review Petitioner - Dr. Madhusudan Dalvi that he came to know about the order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 and

particularly the statement recorded in Paragraph No.19 of the said Order when the said Order was uploaded on 20th April 2025 is, totally false and misleading contention as can be seen from the following circumstances :-

- i. At the outset, it is required to be noted that the Review Petitioner - Madhusudan Dalvi was present through VC when the Writ Petition No.7536 of 2019 and Writ Petition No.6604 of 2019 were heard on 26th February 2025 and when the same were disposed of. The orders in both these Writ Petitions were dictated in open Court on 26th February 2025 in the presence of the Review Petitioner, who was present through VC.
- ii. In Writ Petition No.7536 of 2019 challenge was to the impugned Orders by which interim maintenance to the Respondent/original Petitioner - Dr. Rajalaxmi Walavalkar (hereinafter referred to as the “**Respondent**”) was not granted and interim maintenance is granted to the daughter only to the extent of Rs.50,000/- per month and the same is also from the date of order i.e. from 4th September 2018 and not from the date of the application i.e. w.e.f. 23rd August 2013.

iii. On 26th February 2025 Writ Petition No.7536 of 2019 was extensively heard and immediately thereafter the same was disposed of by passing detailed order. In the said detailed order *inter alia* following aspects were noted :-

A) Perusal of record shows that the Respondent is a renowned psychiatrist working in London and is working in Hospital Kent and Medway Partnership Trust. Apart from that, he is having private practice at Re-Cognition Health 45 Queen Anne Street, London W1G9JF and also in William Hospital, Kennington Road Ashford TN24 0LZ.

B) By the Order dated 11th October 2017 passed below Exhibits 44 and 45, the learned Principal Judge, Family Court. Mumbai directed production of certain documents by Review Petitioner – husband and Respondent – wife. It is an admitted position that accordingly wife had produced the documents directed to be produced by the learned Family Court. By said order, *inter alia*, following documents were directed to be produced by Petitioner-husband.

i. Documents pertaining to the Respondent's three bedroom apartment in Ealing, London including agreement for purchase thereof, telephone and electricity bills and receipts and all bills and receipts in respect of the outgoings/maintenance etc., thereof.

ii. Documents pertaining to renting out the aforesaid apartment at Ealing i.e rent agreement/contract and rent received by the Respondent for renting out the said apartment from the year 2010 till date.

iii. Documents pertaining to the Respondent's three bedroom apartment in Ashford, London including agreement for purchase thereof, telephone and electricity bills and receipts and all bills and receipts in respect of the outgoings/maintenance etc. thereof.

iv. All documents pertaining to the Bungalow at Jangli Maharaj Road, Pune including agreement for purchase thereof, telephone and electricity bills and receipts and all

bills and receipts towards outgoings/maintenance etc. thereof.

v. Details showing income received by the Respondent by renting part of the aforesaid bungalow at Pune.

vi. Details of income received by the Respondent as a Psychiatrist from various Hospitals of the National Health Service, UK and from his private practice together with documentary evidence in support thereof.

C) It is an admitted position that the Review Petitioner has not produced agreement for purchase of three bedrooms apartment in Ealing, London. He has also not produced rent agreement/contract agreement, renting out the said Apartment from the year 2010 onwards and details of the rent received. He has also not produced documents regarding bungalow at Jungali Maharaj Road, Pune and the documents regarding income received by the Review Petitioner by renting part of said bungalow. He has also not produced details of income received as Psychiatrist from various hospitals of

National Health Service, U.K. and from his private practice together with documentary evidence.

D) It is significant to note that Respondent has produced the Certificate issued by the Chartered Accountant. The said Certificates are from Pages 289 to 296 of the Writ Petition No.7536 of 2019. What is significant to note is that the said Certificates are not even signed by the concerned Chartered Accountant. It is also significant to note that the Certificate dated 31st July 2013 (page-289) shows income regarding income and expenditure account for the period upto 5th April 2013. For the same period, another statement regarding rental income statement is issued, which is regarding London flat (page 293). Thus, it is clear that the income which is reflected for the period upto 5th April 2013 in the certificate issued by the Chartered Accountant (Page 289) does not include rental income. In any case, the certificates issued by the Chartered Accountant are not signed by the said Chartered Accountant. The said certificates specifically mentions that the same has been given on the instructions of

Dr. M.M. Dalvi. The said certificates also mentions that the same are issued without carrying out an audit.

E) It is also significant to note that the supporting documents on the basis of which the alleged certificates were issued by the Chartered Accountant are not produced although specific direction has been issued to that effect by the learned Principal Judge, Family Court, Mumbai on 11th October 2017. Therefore, this is the case where adverse inference is required to be drawn against the Review Petitioner, who is practicing as psychiatrist at London.

F) In the written submissions which were filed before the learned Family Court, Mumbai it is specifically submitted that considering that various documents as directed by the Court were not produced, the Court should draw adverse inference against the Review Petitioner in respect of his earning and financial status to the effect that he is earning not less than Rs.20.00 Lakhs per month as claimed by the Respondent in her interim application is required to be accepted, whereas

the monthly income of the Respondent is only Rs.2.00 Lakhs per month.

G) In Paragraph No.12 of the said order, Paragraph Nos.77, 78, 80 to 86 and 91 to 93 of *Rajnish Vs. Neha & Another*¹ were quoted and thereafter it has been observed that the Supreme Court has held that there cannot be any straitjacket formula for fixing quantum of maintenance to be awarded. It depends on facts and circumstances of the case. However, the Court has to take into consideration various factors including the status of the parties, reasonable wants of the claimants, the independent income and property of the claimant, the number of persons the non-applicant has to maintain, the factor that the amount should aid the Applicant to live in a similar lifestyle as he/she enjoyed in the matrimonial home, the provisions for food, clothing, shelter, education, medical attendance and treatment etc. of the Applicant including payment capacity of the non- Applicant.

1 (2021) 2 SCC 324

H) In Paragraph No.13 it is observed by this Court that the Respondent-wife has come with the case that the income of the Review Petitioner is Rs.20.00 Lakhs. As already noted hereinabove, the Respondent has failed to produce very important and significant documents, which would have thrown light on his income and in fact this is the case where he has suppressed very important and crucial documents. Therefore, as contended by the learned Counsel for the Respondent this is case where adverse inference is required to be drawn against the Review Petitioner. However, one factor which is required to be taken into consideration is that as per the contention of the Review Petitioner, he is suffering from Parkinson disease. Therefore, although adverse inference is required to be drawn against the Review Petitioner, interest of both the Review Petitioner and the Respondent are required to be balanced. In this background of the matter, as far as the income of the Respondent is concerned, the same is reflected in Paragraph No.20 and the same shows that she is earning about 2.00 Lakhs per month.

I) It is also taken into consideration that although the Interim Application is filed on 23rd August 2013, the learned Principal Judge, Family Court, Mumbai directed payment of maintenance of Rs.50,000/- to daughter only from the date of the order and not awarded any maintenance for the Respondent-wife. It has also been taken into consideration that Rs.20,00,000/- income of the Review Petitioner as claimed in the application seeking interim maintenance is of the year 2013.

J) Thus, in view of the above discussion and in view of the various criterias laid down in the case of ***Rajnesh*** (supra) inter alia following directions were given :-

(a) Maintenance of Rs.50,000/- per month granted to the daughter by the learned Family Court is maintained, however as per the legal position held in ***Rajnesh*** (supra) it has been directed that the same should be from the date of filing of the Application seeking interim maintenance i.e. from 23rd August 2013 and not from the date of the order i.e. from 4th September 2018.

(b) Considering the inflation, the daughter's maintenance is increased to Rs.1,00,000/- from September 2018 till disposal of the Petition No. A-19 of 2013.

(c) The wife has been granted maintenance of Rs.50,000/- per month from September 2018 till disposal of the said Petition.

K) In view of above position it is necessary to set out Paragraph Nos.18 and 19 of the said Order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 :-

“18. Accordingly, the Writ Petition is partly allowed by modifying the impugned order in above terms, with no order as to costs.

19. At this stage, Mr. Deshmukh, learned Counsel for the Respondent, on instructions of the Respondent, who is present in Court through V.C., states that the Petitioner is accepting this Order and arrears will be paid within eight weeks from today. He further states that the maintenance which has been granted by this Order will be paid on or before 10th day of each month, starting from 1st March, 2025. The said statement made by Mr. Vikramaditya Deshmukh, learned Counsel, on the instructions, is accepted as undertaking given to this Court by the Respondent.”

(Emphasis added)

5. It is important and significant to note that after detailed order is passed in Writ Petition No.7536 of 2019 *inter alia* recording that the Respondent has deliberately avoided to produce very important and significant documents and has produced Chartered Accountant's Certificate which is not even signed by the Chartered Accountant and that adverse inference is required to be drawn against the Petitioner - husband by accepting the case of the Respondent that the income of the Petitioner is Rs.20,00,000/- per month i.e. also in the year 2013, the directions as set out herein above granting maintenance to the Respondent-wife and granting enhanced maintenance to the daughter has been passed. It is significant to note that in the year 2013 it was the contention of the Respondent-wife that the Review Petitioner is earning Rs.20,00,000/- (Rupees Twenty Lakhs Only) per month and the order is passed in the year 2025. After dictating the entire order in Writ Petition No.7536 of 2019, Mr. Deshmukh, learned Counsel, appearing at that time for the Review Petitioner, on instructions of the Review Petitioner who was present through VC, submitted that the Review Petitioner is accepting the said order and arrears will be paid within 8 weeks. In view of the said statement made on behalf of the Review Petitioner, Ms. Bhave, learned Counsel

appearing for the Respondent-wife submitted that the Respondent has no objection if the Writ Petition No.6604 of 2019 filed by the Review Petitioner is allowed by consent. Accordingly, on the very date i.e. on 26th February 2025 said Writ Petition No.6604 of 2019 was disposed of by allowing the same.

6. Although it is true that order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 has been uploaded on 20th April 2025, however as noted herein above on the very day i.e. on 26th February 2025 Writ Petition No.6604 of 2019 filed by the Review Petitioner has been decided in favour of the Review Petitioner and the said order is uploaded immediately on 28th February 2025. The said order specifically records that order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 is accepted by the Review Petitioner and therefore by consent of the parties impugned orders in Writ Petition No.6604 of 2019 are quashed and set aside. Paragraph Nos.2 to 5 of said order dated 26th February 2025 are very relevant and reproduced herein below for ready reference :-

“2. By a separate Order passed today this Court has disposed of Writ Petition No.7536 of 2019 granting maintenance to the Respondent – wife and enhanced maintenance to the daughter. The Petitioner - husband has accepted the said Order and has made a statement before this Court that he will pay the arrears within eight weeks and continue to pay the maintenance amount as per the direction of this Court. In view of the same, Ms. Bhave, learned Counsel for the Respondent, on instructions of the Respondent, states that the impugned Orders be quashed and set aside by consent of the parties.

3. Accordingly, both the learned Counsel tender Minutes of Order dated 26th February 2025. The said Minutes of Order are signed by the respective Advocates of the Petitioner and the Respondent. The said Minutes of Order are also signed by the Respondent – Rajalaxmi Walavalkar. Accordingly, the said Minutes of Order dated 26th February 2025 are taken on record and marked “X” for identification. A scanned copy of the said Minutes of Order is set out herein below :-

X¹ Trenchard in the Court
on 20/1/25
20/1/25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6604 OF 2019

Madhusudan @Amod Dalvi

.. Petitioner

V/s.

Rajalaxmi Walavalkar.

.. Respondent

MINUTES OF ORDER DATED 26TH FEBRUARY 2025

1. By consent of the parties, the order dated 9th October 2013 (Exhibit B at Page 18 of the Writ Petition) and the order passed below exhibit 59 dated 18th April 2019 (Exhibit C at pages 19 to 24 of the Writ Petition) are quashed and set aside.
2. By consent of the parties, the written statement already filed by the Petitioner husband (Respondent in the Family Court) on 8th October 2018 is directed to be taken on record and given an exhibit number by the Family Court.
3. By consent of the parties, the Respondent wife is entitled to file an additional affidavit of evidence in lieu of examination in chief.
4. This order will come into effect after compliance of the order of today's date passed in Writ Petition No. 7536 of 2019.
5. In the meantime, the proceedings before the Family Court shall be stayed.

per period of 3 months from today 26 February 2025

Asokan
Advocate for
Petitioner

Komal Shah
Advocate for
Respondent

Rajalaxmi
Dr R Walavalkar
Respondent
26/2/25

4. Accordingly, the Writ Petition is disposed of in terms of the Consent Minutes of Order.

5. In the meantime, the learned Family Court is

requested not to proceed with the M. J. Petition No. A-19 of 2013 till 31st May 2025 to facilitate the parties to comply with Consent Minutes of Order.”

7. At this stage, it is required to be noted that Mr. Rao, learned Counsel appearing for the Review Petitioner on taking instructions from the Petitioner on WhatsApp call has confirmed from the Petitioner that he came to know about order dated 26th February 2025 passed in Writ Petition No.6604 of 2019 on 28th February 2025 and on that date he has read the order.

8. The Paragraph No.2 of the order dated 26th February 2025 passed in Writ Petition No.6604 of 2019 specifically records that by a separate Order passed on the very day this Court has disposed of Writ Petition No.7536 of 2019 granting maintenance to the Respondent – wife and enhanced maintenance to the daughter. The Review Petitioner - husband has accepted the said Order and has made a statement before this Court that he would pay the arrears within eight weeks and continue to pay the maintenance amount as per the direction of this Court. Admittedly, said order dated 26th February 2025 was uploaded on 28th February 2025 and the Review Petitioner has accepted that he had read the said order

on very day i.e. on 28th February 2025. Thus, it is clear that the Review Petitioner has come up with totally false and misleading case that the Review Petitioner came to know that his statement has been recorded that he had accepted the order granting maintenance to the wife and enhanced maintenance to the daughter for the first time when the order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 was uploaded i.e. on 20th April 2025.

9. It is also required to be noted that in the detailed order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 it has already been recorded that Petitioner has deliberately suppressed very important and significant documents and also produced Certificate of Chartered Accountant which is not even signed by the Chartered Accountant just to mislead the Court. In fact, the said conduct of the Review Petitioner amounts to interference in the administration of justice, however as the order granting maintenance has been accepted by the Review Petitioner this Court has not passed further direction. However, it is required to be noted that now the Petitioner has come up with totally false and misleading case that he came to know that his statement

accepting the order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 is incorrectly recorded and that for the first time he came to know about the same on 20th April 2025.

10. In view of above position, it is necessary to set out observations of the Supreme Court in the case of *Kusha Duruka v. State of Odisha*² and more particularly in Paragraph Nos.1 to 6, which reads as under :-

“Leave granted. This is another case in which an effort has been made to pollute the stream of administration of justice.

2. About three decades ago, this Court in Chandra Shashi v. Anil Kumar Verma [Chandra Shashi v. Anil Kumar Verma, (1995) 1 SCC 421 : 1995 SCC (Cri) 239] was faced with a situation where an attempt was made to deceive the Court and interfere with the administration of justice. **The litigant was held to be guilty of contempt of court. It was a case in which the husband had filed fabricated document to oppose the prayer of his wife seeking transfer of matrimonial proceedings.** Finding him guilty of contempt of court, he was sentenced to two weeks' imprisonment by this Court. This Court observed as under : (SCC pp. 423-24 & 427, paras 1-2 & 14)

“1. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State.

2 (2024) 4 SCC 432

Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned.

2. Anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice.

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14. The legal position thus is that if the publication be with intent to deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice. It would, in any case, tend to interfere with the same. **This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt.**

3. In K.D. Sharma v. SAIL [K.D. Sharma v. SAIL, (2008) 12 SCC 481] it was observed by this Court : (SCC p. 493, para 39)

“39. If the primary object as highlighted in Kensington Income Tax Commrs. [R. v. General Commissioners for the Purposes of the Income Tax Acts for the District of Kensington, ex p Princess Edmond De Polignac, (1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (KB & CA)] is kept in mind, **an applicant who does not come with candid facts and “clean breast” cannot hold a writ**

of the court with “soiled hands”. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court.”

(emphasis supplied)

4. In Dalip Singh v. State of U.P. [Dalip Singh v. State of U.P., (2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324], **this Court noticed the progressive decline in the values of life and the conduct of the new creed of litigants, who are far away from truth.** It was observed as under : (SCC pp. 116-17, paras 1-2)

“1. For many centuries Indian society cherished two basic values of life i.e. “satya” (truth) and “ahimsa” (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. **Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences.** However, post-Independence period has seen drastic changes in our value system. **The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take**

shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

(emphasis supplied)

5. In *Moti Lal Songara v. Prem Prakash* [*Moti Lal Songara v. Prem Prakash*, (2013) 9 SCC 199 : (2013) 3 SCC (Cri) 872], this Court, considering the issue regarding concealment of facts before the Court, observed that “court is not a laboratory where children come to play”, and opined as under : (SCC p. 208, paras 19-20)

“19. The second limb of the submission is whether in the obtaining factual matrix, the order passed by the High Court discharging the respondent-accused is justified in law. We have clearly stated that though the respondent was fully aware about the fact that charges had been framed against him by the learned trial Judge, yet he did not bring the same to the notice of the Revisional Court hearing the revision against the order taking cognizance. It is a clear case of suppression. It was within the special knowledge of the accused. Anyone who takes recourse to method of suppression in a court of law, is, in actuality, playing fraud upon the court, and the maxim *suppressio veri, expressio falsi* i.e. suppression of the truth is

equivalent to the expression of falsehood, gets attracted. We are compelled to say so as there has been a calculated concealment of the fact before the Revisional Court. It can be stated with certitude that the respondent-accused tried to gain advantage by such factual suppression. The fraudulent intention is writ large. In fact, he has shown his courage of ignorance and tried to play possum.

20. The High Court, as we have seen, applied the principle “when infrastructure collapses, the superstructure is bound to collapse”. However, as the order has been obtained by practising fraud and suppressing material fact before a court of law to gain advantage, the said order cannot be allowed to stand.”

6. It was held in the judgments referred to above that one of the two cherished basic values by Indian society for centuries is “satya” (truth) and the same has been put under the carpet by the petitioner. Truth constituted an integral part of the justice-delivery system in the pre-Independence era, however, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, the values have gone down and now litigants can go to any extent to mislead the court. They have no respect for the truth. The principle has been evolved to meet the challenges posed by this new breed of litigants. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the court of law, is actually playing fraud with the court. The maxim suppressio veri, expressio falsi i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. It is nothing but degradation of

moral values in the society, may be because of our education system. Now we are more happy to hear anything except truth; read anything except truth; speak anything except truth and believe anything except truth. Someone rightly said that: "Lies are very sweet, while truth is bitter, that's why most people prefer telling lies."

(Emphasis added)

11. Thus, the Supreme Court has, inter alia, set out following principles :-

i. Anyone who takes recourse to method of suppression in a court of law, is, in actuality, playing fraud upon the court, and the maxim *suppressio veri, expressio falsi* i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted.

ii. Truth constituted an integral part of the justice-delivery system in the pre-Independence era, however, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, the values have gone down and

now litigants can go to any extent to mislead the court. They have no respect for the truth.

iii. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.

iv. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court.

12. The facts of this case are required to be appreciated in view of the above principles laid down by the Supreme Court.

13. *Prima facie*, contention raised that the Review Petitioner came to know that his statement is recorded in the order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 only after said order is uploaded on 20th April 2025 is not only false but amounts to interference in the administration of justice.

14. As already noted in the detailed order dated 26th February 2025 passed in Writ Petition No.7536 of 2019 it has already been recorded that Petitioner has deliberately suppressed very important

and significant documents and to mislead the Court produced Certificate of Chartered Accountant which is not even signed by the Chartered Accountant.

15. In fact, the Writ Petitions were heard for considerable time on 26th February 2025 and immediately the Orders have been passed. Mr. Dalvi was present through VC throughout the hearing of the matter as well as when the order was dictated. As noted herein above, it is relevant to note that the Order dated 26th February 2025 passed in Writ Petition No.6604 of 2019 has been uploaded immediately on 28th February 2025. Paragraph 2 of the Order dated 26th February 2025 passed by this Court in Writ Petition No.6604 of 2019 reads as under :

“2. By a separate Order passed today this Court has disposed of Writ Petition No.7536 of 2019 granting maintenance to the Respondent wife and enhanced maintenance to the daughter. The Petitioner husband has accepted the said Order and has made a statement before this Court that he will pay the arrears within eight weeks and continue to pay the maintenance amount as per the direction of this Court. In view of the same, Ms. Bhave, learned Counsel for the Respondent, on instructions of the Respondent, states that the impugned Orders be quashed and set aside by consent of the parties.”

(Emphasis added)

16. The said paragraph 2 of the Order dated 26th February 2025 passed in Writ Petition No.6604 of 2019 clearly shows that by the Order passed in Writ Petition No.7536 of 2019, maintenance has been granted to the Respondent-wife and enhanced maintenance has been granted to the daughter. The said paragraph-2 also records that the Review Petitioner-husband has accepted the said Order and has made a statement before this Court that he would pay the arrears within eight weeks and continue to pay the maintenance amount as per the direction of this Court. In view of the said statement of the Review Petitioner- husband, the learned Counsel for the wife has stated that the impugned Orders in Writ Petition No.6604 of 2019 be quashed and set aside by consent of the parties. Admittedly, this Order dated 26th February 2025 passed in Writ Petition No.6604 of 2019 has been uploaded on 28th February 2025 and the same was read by the Review Petitioner on the very day i.e. on 28th February 2025.

17. Mr. Rao, learned Counsel for the Review Petitioner states that the said Order dated 26th February 2025 has been read by the Petitioner on 28th February 2025. Thus, it is clear that various

contentions raised by the Review Petitioner are false and amounts to interference in the administration of justice. *Prima facie*, thus this is the case where the Petitioner just to avoid payment of maintenance to the wife and daughter is making false statements.

18. Accordingly, issue notice under Rule 9 of the Contempt of Courts (Bombay High Court) Rules, 1994 to the Review Petitioner- Madhusudan alias Amod Dalvi, returnable on 9th September 2025. The Review Petitioner - Madhusudan Dalvi is directed to remain present in this Court on the next date i.e. on **9th September 2025**.

19. Stand over to **9th September 2025 at 3.00 p.m.**

[MADHAV J. JAMDAR, J.]