

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12524 OF 2023.

Reshma Ganji.

...Petitioner.

Versus

Riyaz Ganji.

..Respondent.

Mr. Manan Sanghai i/b Mr. Kaustubh Gupte for the petitioner.
Mr. Ashish Dubey for the respondent.

Coram : Sharmila U. Deshmukh, J.

Date : December 1, 2023.

P. C. :

1. By order dated 31st October 2023, this Court directed the respondent to pay his share of tuition fees, i.e., Rs.11 lakh/- by next day to the educational institution where the daughter is studying. On 6th November 2023, this Court recorded that despite direction of this Court, respondent-husband did not pay the school fees and as such had issued notice to the respondent to show cause as to why contempt proceedings should not be initiated for non compliance of the order of this Court. In response to the show-cause notice, an affidavit-in-reply has been filed by the respondent. The affidavit-in-reply is essentially a reply to the petition and there is no explanation in the affidavit as to why there was non compliance of the order

passed by this Court. It was expected that an unconditional apology would be tendered for non compliance of the order. However, the same is missing in the affidavit.

2. If the respondent was aggrieved by the direction to pay his share of tuition fees for any reason whatsoever, an application should have been made for modification of the said order. No such step has been taken. This Court is informed that instead of filing an application for modification, a writ petition has been filed challenging order of the Family Court.

3. In the absence of an unconditional apology for non compliance and in the absence of any explanation as to why the contempt proceedings should not be initiated, this Court is constrained to issue contempt notice to the respondent under the provisions of Chapter-34 of the Bombay High Court Appellate Side Rules, 1960. Notice is made returnable on 5th January 2024.

[Sharmila U. Deshmukh, J.]