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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.12524 OF 2023

Ms.Reshma Ganji ...Petitioner

V/s.

Riyaz Ganji ...Respondent

Mr.Manan Sanghai for the Petitioner.

Mr.Ashish Dubey for the Respondent.

**CORAM : RAJESH S. PATIL, J.**

**DATE : 19TH JANUARY, 2024.**

**P.C. :-**

1. Today morning when this matter was argued, this Court has passed an order. For ease of reference, today morning's order is reproduced herein below :-

“1. After the matter was argued for sometime. Mr. Dubey appearing for the Respondent (husband) submits that his client will deposit the entire amount of Rs.11,000,00/- in the bank account of Petitioner (wife) by online transfer today itself, without prejudice to the rights and contentions of the Respondent.

2. Mr. Manan Sanghai Advocate for the Petitioner (wife) submits that the bank details of the Petitioner (wife) i.e. Reshma Riyaz Ganji, Kotak Mahendra Bank A/c No.2947428527, IFSC Code No.KKBK0000440. The bank account details of the Petitioner (wife) is furnished to Mr. Dubey, advocate for the Respondent.”

2. Mr.Sanghai, appearing for the Petitioner (wife) submits that the Respondent (husband) has not complied with the directions given by this Court Order passed today morning. He submits that the Respondent (husband) deposited only a sum of Rs.5,46,370/- in the bank account of the Petitioner (wife). Mr.Dubey, appearing for the Respondent (husband) admits that the entire amount of Rs.11,00,000/- has not been deposited in the bank account of the Petitioner (wife).

3. This Court by its order dated 1 December 2023, was constrained to issue the contempt notice to the Respondent. The contempt petition was made returnable on 5 January 2024.

4. For ease of reference, the order dated 1 December 2023 is reproduced herein below :-

“1. By order dated 31<sup>st</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> January 2024.”

5. Advocate for the Petitioner submits that the Respondent(husband) is highly influential person. His name also appears in various newspapers. He submits that the Respondent has many business entities, including his shops at Pedder Road, one Gala in Kurla and flats in several parts of the city. He submits that purposefully, the Respondent did not intend to comply with the directions of this Court and hence the order dated 1 December 2023 was passed.

6. In such a situation, taking into consideration the conduct of the Respondent, I hereby direct the Respondent to remain present in this Court at 2:30 p.m. on 22 January 2024. Mr.Dubey, undertakes to communicate this order to the Respondent. It is made clear that if the Respondent remains absent on 22 January 2024 when the matter is called out, a non-bailable warrant would be issued against the Respondent.

7. The Respondent is also directed to pay the balance amount of Rs.5,53,630/- directly in the bank account of the Petitioner before the next date of hearing.

8. All parties to act on the authenticated copy of this order.

***(RAJESH S. PATIL, J.)***