



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.27 OF 2024

Rinaz Kazamali Tamboli

... Petitioner.

Versus

Kazamali Tamboli

... Respondent.

Mr. Altaf Khan i/by Ms. Nilofar Sayyed, for the Petitioner.

Mr. Mohit Dalvi h/f. Mr.Mohan Devkule, for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : MARCH 06, 2024

P. C.:

1. Heard.

2. Contempt is alleged of the judgment dated 18th December, 2022, by which the maintenance of Rs.10,000/- was granted to the Petitioner and the minor child from the date of the Application. Admittedly, the amount of maintenance has not been paid and meager amount of Rs.32,000/- has been paid as against the arrears of maintenance of Rs.11,00,000/-.

3. Learned counsel appearing for the Respondent would submit that the Petitioner has no funds to pay the arrears of the maintenance. He would further submit that the Petitioner can

execute the order and the contempt is not necessary to be invoked. Learned counsel appearing for the Petitioner in response relies upon the decision in the *Rajnish vs. Neha and Ors.* reported in *MANU/SC/0833/2020* and in particular points out paragraph No.96 that contempt proceedings for willful disobedience may be initiated before the Appropriate Court.

4. Having regard to the fact that there is willful disobedience of order of the payment of maintenance, as after the order of Rs.10,000/-was passed, not even the regular monthly maintenance has been paid. *Prima facie*, I am satisfied that there is willful disobedience of the order dated 20th October 2022.

5. Issue contempt notice to the Respondent under Chapter XXXIV Rule 9 of the Bombay High Court Appellate Side Rules, 1960 in Form-I, returnable after a period of four weeks.

6. Stand over to **3rd April, 2024.**

(Sharmila U. Deshmukh, J.)