

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6148 OF 2012
IN
WRIT PETITION NO. 6869 OF 2008

Mr. Namita w/o Vikrant Vaikkos ... Applicant

Versus

Vikrant s/o Vasant Rao Vaikkos ... Respondent

.....
Mr. C.R. Pawar, Advocate holding for
Mr. Hemant Surve, Advocate for respondent

.....
CORAM : RAVINDRA V. GHUGE, J.
DATED : 27th FEBRUARY , 2015

PER COURT :

1. The Writ Petition No. 6869 of 2008 between the parties has been partly allowed by order of this Court dated 11-01-2010.

Paragraph No. 5 of the said order reads as under :-

“5. Under the circumstances, the petition is partly allowed. The impugned order is modified and instead of Rs. 1,500/- (Rupees one thousand five hundred) p.m. And the amount of expenses for travelling, the respondent would be entitled to seek only Rs. 1,000/- (Rupees One thousand) p.m. As per the directions of the learned Judge of the Family Court, Aurangabad from date of the application, during pendency of the petition the learned Judge of the Family Court shall expeditiously decide the divorce petition and complete the proceedings within a period of six (6) months as far as possible.

2. This application has been filed for seeking leave to withdraw the amount of maintenance deposited by the original petitioner/

husband in this Court. It is stated in the Civil Application that the parties have settled the matter out of Court and the amount of maintenance deposited in this Court, be allowed to be withdrawn.

3. On 26-08-2013, none appeared for the applicant. On 25-04-2014, 08-08-2014, 12-12-2014 and 13-02-2015 none appeared for the applicant. Even today, counsel for the applicant is absent.

4. Learned Advocate for the respondent confirms the statement made in the Civil Application and submits that the parties have separated by mutual consent and the amount deposited in this Court, pursuant to the orders passed by this Court dated 11-01-2010 while deposing off the petition, can be withdrawn by the applicant.

5. In the light of the above, this Civil Application is allowed. The applicant – Mrs. Namikta w/o Venkat Vaikkos is allowed to withdraw the amount deposited in this Court along with accrued interest.

(**RAVINDRA V. GHUGE, J.**)