

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 21 OF 2015

IN

CRIMINAL WRIT PETITION NO. 106 OF 2014

SAVITRI MADKAIKAR.

... Applicant

Versus

PUNDALIK MADKAIKAR AND ANR.,

... Respondents

Ms. Caroline Collasso, Advocate for the Applicant.

Mr. Gaurish N. Agni, Advocate for the Respondent no. 1.

Coram:- U. V. BAKRE, J.

Date:- 17th February, 2015

P.C:

Heard Ms. Collasso, learned Counsel for the applicant and Mr. Agni, learned Counsel for the respondent no. 1.

2. By this application, the applicant who is the wife of the respondent no. 1 has prayed for issuance of direction to the Registry to hand over to her the amount of Rs.50,000/- deposited by the respondent no. 1 and further, to direct the respondent no. 1 to deposit the balance amount of Rs.2,02,000/- before the Registry within a period of two weeks.

3. The respondent no. 1 has filed an affidavit in reply.

4. Insofar as the amount of Rs.50,000/- already deposited by the respondent no. 1, is concerned, by order dated 04.02.2015, this Court has permitted the applicant to withdraw the same.

5. Upon hearing the learned Counsel for the parties, it appears that there is a dispute regarding correctness of calculation of the amount. However, in paragraph 9 of the reply, the respondent no. 1 has stated that without prejudice, he is ready and willing to pay the balance arrears amount of Rs.72,000/-, if so ordered by this Court, upon grant of sufficient time to him. It is further seen that in the subsequent paragraph 11, the respondent no. 1 has stated that he would deposit the said amount provided, the applicant is ready and willing to give an undertaking that in the event, the respondent no. 1 succeeds in the petition, the applicant shall refund the amount of Rs.72,000/- paid to the applicant in excess of her entitlement from the net salary in hand of the respondent no. 1 along with accrued interest.

6. Ms. Collasso, learned Counsel for the applicant, without prejudice to the entitlement of the amount as stated in the application, submitted that the respondent no. 1 be directed to deposit the said amount within a period of one month from today. On the other hand, Mr. Agni, learned Counsel submitted that he should be given time of atleast three months to deposit the said amount.

7. Without prejudice to the contentions of both the parties and without going into the merits of the matter, I deem it appropriate to direct the respondent no. 1 to deposit an amount of Rs.72,000/- before the Registry of this Court within a period of two months from today. The said deposit shall be without prejudice to whatever stated in the application or in the reply. The correctness of the amount shall be decided subsequently in the execution proceedings, if any. The applicant herein shall be allowed to withdraw the said amount upon executing the undertaking before the Registrar (Judicial) of this Court to the effect that in case, the respondent no. 1 succeeds in the main Criminal Writ Petition No. 106/2014, she shall refund the said amount of Rs.72,000/- to the respondent no. 1 within one month from the date of the order.

8. The application stands disposed of accordingly.

U. V. BAKRE, J.

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