

**IN THE HIGH COURT OF BOMBAY AT GOA**

CRIMINAL MISC. APPLICATION NO. 33 OF 2016

IN

CRIMINAL MISC. APPLICATION NO. 21 OF 2015

SAVITRI MADKAIKAR.,

... Applicant

Versus

PUNDALIK MADKAIKAR.,

... Respondent

Ms. C. Collasso, Advocate for the applicant.

Mr. E. Usapkar, Advocate for the respondent.

Coram:- S. B. SHUKRE, J.

Date:- 16th February, 2016

P.C.

Heard.

2. By this application, the applicant has sought permission of the Court to withdraw an amount of Rs.35,000/- already deposited by the respondent in compliance with the order of this Court passed on 17/02/2015.

3. In response, the learned Counsel for the respondent submits that in addition to Rs.35,000/- standing in the deposit, the petitioner has also deposited an amount of Rs.20,000/-.

4. For the reasons stated in this application, this amount is allowed

to be withdrawn by the applicant. The applicant is also seeking direction to the respondent that balance amount which is now of Rs.17,000/- be directed to be deposited within one week from the date of order.

5. Learned Counsel for the respondent states that one month's time be granted to the respondent.

6. It is admitted fact that the respondent is serving in the Navigation Department of the State of Goa. According to the learned Counsel for the applicant, monthly salary of the respondent ranges between Rs.22,000/- to 25,000/-. Although the learned Counsel for the respondent states that he is not aware of the present rank occupied by the respondent and he also does not know anything about his previous rank, fact remains that he is a Government Servant and the salary disclosed by the learned Counsel for the applicant would be reasonably drawn by any Government Servant occupying some rank having some experience. Therefore, with such salary, it should not be difficult for the respondent to deposit an amount of Rs.17,000/- in shortest possible time. Accordingly, I am inclined to grant two weeks' time to the respondent to deposit balance amount of Rs.17,000/-. On such deposit being made, the applicant shall have permission of this Court to withdraw balance amount as well without any reference to this Court.

7. Learned Counsel for the respondent could not point out to me whether or not the order, which is impugned herein and which grants monthly maintenance of Rs.8,000/- to the applicant, has been stayed by this Court at any point of time in the past. Therefore, it cannot be ascertained as of now as to in what circumstances the respondent, instead of complying with the order of the Trial Court directing him to pay monthly maintenance of Rs.8,000/-, is paying for the present monthly maintenance of Rs.4,000/- only. The respondent is directed to continue to deposit Rs.4,000/- every month on or before 5th day of the months starting from March, 2016 and onwards.

8. The application is disposed of in these terms.

9. Main Criminal Writ Petition be listed for final hearing on 29/02/2016.

S. B. SHUKRE, J.

SMA