

**Mr. U Shah i/by Mr. Y B Dandekar for the Petitioner.
Mr. J H Oak for the Respondent.**

P.C.

1 The order dated 04/07/2015 passed by the learned 3rd Joint Civil Judge, Senior Division, Kalyan staying the Marriage Petition filed by the Petitioner herein till the payment of the arrears of maintenance awarded to the daughter and making the said payment a pre-condition for proceeding with the Marriage Petition is taken exception to by way of the above Writ Petition.

2 It is not necessary to burden this order with unnecessary details. Suffice it would be to state that by order dated 25/10/2016 passed in the above Petition the Petitioner was directed to pay 50% of the amount of maintenance i.e. Rs.65,000/- till 30/11/2016. The said arrears of maintenance is for the period of December 2011 to December 2014. On behalf of the Petitioner an Additional Affidavit bearing today's date i.e. 28/11/2016 has been filed. In the said affidavit in paragraph 5 it has been mentioned that the maintenance at Rs.3000/- per month for 106 months between 29/09/2007 to

29/07/2015 comes to Rs.3,18,000/-. In paragraph 6 of the said affidavit it has been stated that out of the said amount of Rs.3,18,000/-, an amount of Rs.2,08,000/- has been paid by the Petitioner in support of which copies of receipts and the cheques have been annexed at Exhibit A Collectively. It has been stated in paragraph 8 of the said affidavit that the Petitioner is ready and willing to deposit the remainder of the amount of Rs.1,10,000/- in the Court of the learned Civil Judge, Senior Division, Kalyan under protest.

3 However, during the course of hearing of the above Writ Petition, Shri Shah, the learned counsel appearing on behalf of the Petitioner has stated that the amount would be deposited unconditionally and that the Petitioner would have no objection to the Respondent withdrawing the said amount on behalf of the daughter.

4 In view thereof the above Petition can be conveniently disposed of by issuing following directions :-

A] The Petitioner to deposit the amount of Rs.1,10,000/- (Rupees One lac Ten Thousand only) which is the balance remaining out of the arrears within 10 days from date i.e. latest by 08/12/2016 in the Court of the learned Civil Judge, Senior Division, Kalyan, Dist. Thane.

- B] On the deposit being made, the Respondent would be entitled to withdraw the said amount on behalf of the daughter.
- C] On the amount being deposited the stay which is in operation by virtue of the impugned order would cease to operate and resultantly the concerned learned Civil Judge, Senior Division, Kalyan would be free to proceed with the Marriage Petition filed by the Petitioner and decide the same expeditiously.
- D] It is expected of the Petitioner that he would pay the amount of Rs.3,000/- per month even from 29/07/2015 till date and go on paying the same till the disposal of the Marriage Petition in question..
- E] With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]