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

**WRIT PETITION NO.79 OF 2016
WITH
CIVIL APPLICATION NO.2176 OF 2017**

Prajakt s/o Sangramji Gawale ..PETITIONER

VERSUS

Archana w/o Prajakt Gawale ..RESPONDENT

Mr Hemant Surve, Advocate for petitioner;
Mr V.S. Khanke, Advocate for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 4th September, 2017

ORAL ORDER:

Pursuant to the order passed by the Family Court, which is questioned in the present petition, the petitioner – husband has deposited an amount of Rs.2,00,000/- in this Court, of which withdrawal is sought by the respondent – wife.

2. The withdrawal is objected by the learned Counsel for the petitioner on the ground that unless the rights of the parties are adjudicated, the amount deposited in this Court be not permitted to be withdrawn and if this Court is inclined to grant the prayer, the respondent – wife be put to conditions.

(2)

3. What is required to be noted is, the Family Court has passed an order directing payment of maintenance at the rate of Rs.25,000/- per month. This Court, on 14th January, 2016 directed the petitioner to deposit amount of Rs.25,000/- per month, as directed by the Family Court. The fact remains that the petitioner has not complied with the said order, as only amount of Rs.2,00,000/- is lying in this Court.

4. Since the amount which is deposited in this Court pertains to maintenance, in my opinion, it would be appropriate to permit the respondent – wife to withdraw the same, subject to an undertaking that in case if the petition is allowed, the same shall be re-deposited by her in this Court.

5. It is made clear that in case if the petitioner fails to honour the order dated 14th January, 2016 whereby he was directed to deposit the amount of Rs.25,000/- per month in this Court, the Court will be constrained to draw appropriate inference of the same on the next date of hearing.

6. Civil Application stands disposed of accordingly.

7. At the request of the learned Counsel for the petitioner, stand over to 26th September, 2017.

(NITIN W. SAMBRE, J.)

amj