

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABA

CIVIL APPLICATION NO. 4041 of 2015

Bhagoji Mahada Nagargoje (DIED)

Through : Legal representatives and others

...APPLICANTS

VERSUS

Parubai W/o Vishwanath Nagargoje & Anr.

...RESPONDENTS

Mr V.V. Bhavthankar, Advocate for applicants

Mr M.S. Choudhary, Advocate for respondents No.1 & 2

CORAM : NITIN W. SAMBRE, J.

DATE : 10th October, 2017

ORAL ORDER :

In view of question of law framed by this Court and the fact that the appellants have agreed to pay maintenance to the present respondents pursuant to the decree passed in Regular Civil Suit No. 22 of 1971 on 24th January 1971, it will be appropriate, in my opinion, to direct the appellants to deposit every month an amount of Rs. 2000/- (Rs. Two thousand only) in this Court towards maintenance to which original plaintiffs will be entitled to.

2. The parties are not disputing that in Regular Civil Suit No. 22 of 1971 decided on 24th January 1971, the Trial Court has awarded maintenance of Rs. 200/- (Rs. Two hundred only) per month.

3. Looking to the nature of holdings of the appellants, in my opinion, it will be appropriate to direct the appellants to deposit amount of maintenance at the rate of Rs. 2000/- (Rs. Two thousand only) per month, considering the fact that original plaintiff No.1/respondent No.1 is a widow and there is no independent source of income for her.

4. The amount of maintenance at the rate of Rs. 2000/- (Rs. Two thousand only) per month i.e. Rs. 6000/- (Rs. Six thousand only) for the quarter during the period of October, November and December 2017, be deposited within fortnight from today in Regular Darkhast arising out of Regular Civil Suit No. 459 of 1983.

5. The appellants shall thereafter continue to deposit amount of Rs. 6000/- (Rs. Six thousand only), every quarter, in the first week of beginning of each quarter, before the executing Court, to which original plaintiff No.1 will be entitled to.

6. In view of above, there shall be stay to the execution of the decree.

7. With above observations, application for stay stands allowed.

(NITIN W. SAMBRE, J.)

pjm