

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 9721 OF 2017
IN AO/97/2016

SULABAI RAMNATH BORADE @ SULOCHANA RUPCHAND BHAVAR
VERSUS
ANTI KABAI LAXMAN BHAWAR SINCE DECEASED THROUGH L.RS. SHRIDHAR
LAXMAN BHAWAR AND O

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Advocate for Applicants : Mr. Ravindra Vitthal Gore
Adv. for Respondent : Mr. S.A. Jagtap h/f Mr. V.D. Sapkal

CORAM : K.K. SONAWANE, J.

DATE : 23rd August, 2017.

PER COURT:

1] Heard learned counsel for the appellant and respondents.

2] Perused the application. Learned counsel for the applicant submits that applicant - Sulabai Ramnath Borade @ Sulochana w/o Rupchand Bhavar initiated civil litigation vide Special Civil Suit No. 287 of 2005, against the respondents for maintenance under the Hindu Adoption and Maintenance Act, 1956, but the learned Civil Judge (Senior Division) turned down her claim for maintenance against respondents and dismissed the suit. Being dissatisfied with the findings of the learned Civil Judge, the applicant approached to the learned District Judge, Vaijapur to redress her grievances. However, the appellant succeeded in appeal and the impugned judgment and order passed in R.C.S. No. 287 of 2005 was set aside and the matter came to be remanded back to the concerned trial court for its adjudication on merit.

3] The respondents agitated the findings of the learned District Judge, Vaijapur in first appeal, which came to be compromised in the Lok Adalat in between the parties to the appeal. The learned counsel for the

applicant produced the relevant documents of amicable settlement of the dispute in between the applicant and respondents in the Lok Adalat on record.

4] Pursuant to the compromise terms, the respondents deposited Rs. 6,00,000/- (rupees six lakhs) in this Court in lieu of permanent alimony to the applicant. Rest of the amount of Rs. 2,00,000/- (rupees two lakhs) was agreed to be paid upto 10th April, 2019. Accordingly, the applicant preferred the present application seeking permission to withdraw the amount.

5] Learned counsel for the respondent has no objection to allow the applicant for withdrawal of the amount of Rs. 6,00,000/- which is deposited in this Court pursuant to the compromise arrived at in between the parties.

6] In view of the aforesaid circumstances, there is no impediment to allow the application. Hence application stands allowed in terms of prayer clause (B). The applicant Sulabai Ramnath Borade @ Sulochana w/o Rupchand Bhavar be allowed to withdraw the amount of Rs. 6,00,000/- (Rupees six lakhs) deposited in this court. Registry to do the needful for disbursement of amount on proper identification of the applicant as per rules. Application stands disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

grt/-