

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 178 OF 2017
IN
CRIMINAL WRIT PETITION NO. 75 OF 2016

MRS. SWATI SURESH MHALSEKAR., ... Applicant
Versus
SHRI. SURESH MHALSEKAR., ... Respondent

Mr. Shailesh Redkar, Advocate for the Applicant.
Mr. Dharmanand Vernekar, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 24th July, 2017

P.C:

By this application, the applicant is seeking withdrawal of Rs.1 lakh deposited by the respondent. The applicant, who is the wife of the respondent, has been granted maintenance of Rs.2,000/- per month for herself and Rs.2,000/- per month towards the minor child, who is aged 8 years and the child is stated to be studying in fourth standard.

2. The learned Counsel for the respondent points out that the Writ Petition is already admitted and that there is no finding recorded by the Courts below about there being any incident of domestic violence. The learned Counsel submits that 50% of the amount i.e. Rs.50,000/- be paid to the applicant and the balance amount of Rs.50,000/- be directed to be invested in Fixed Deposit, in the name of the minor child.

3. The learned Counsel for the applicant points out that the amount is required for the day to day expenses and maintenance of the child.

4. I have considered the circumstances and the submissions made. Having regard to the fact that the child is studying in fourth standard and looking to the needs, the amount of maintenance at the rate of Rs.2,000/- per month, would be required by the applicant. There are no allegations that the amount shall not be utilised by the applicant for the maintenance and welfare of the child. Considering the quantum of maintenance granted and having regard to the fact that the child is aged 8 years and studying in fourth standard, the child would be requiring the amount for his maintenance. The submission that 50% may be invested in Fixed deposit, in the name of the minor child, cannot be accepted.

5. In such circumstances, the application is allowed in terms of prayer clause (A). The applicant shall utilise the amount of maintenance, insofar as the child is concerned, for the welfare and maintenance of the child.

C. V. BHADANG, J.

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