

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.27 OF 2016
IN
FAMILY COURT APPEAL NO. 16 OF 2016**

Mr. Vilas Ramchandra Gangawane	..Applicant
Vs.	
Mrs. Shama Vilas Gangawane & Anr	..Respondents

Mr. Kalpesh Patil i/b Mr. A. R. Kapadnis for the Applicant
None for the Respondents

**CORAM :R. M. SAVANT, &
SMT. SADHANA S JADHAV JJ
DATE : 27th JULY, 2017**

P.C.

1 The above Civil Application has been filed seeking stay of the judgment and order dated 20-10-2015 passed by the Learned Judge of the Family Court No.4, Pune. By the said order, Petition No.C-14 of 2010 filed by the Respondent No.1 herein, came to be allowed. The operative part of the said order reads thus :

1 The Petition is allowed as under :-

2 The compromise between respondent nos.1 and 2 at Exh. 25 in P.B. No.16 /2007 before Family Court, Pune is hereby declared as null and void and not binding upon the petitioner.

3 Respondent no.2 is not entitled for half amount (50%) of family pension from the respondent no.1 Vilas Gangawane and medical benefits from the Railways.

4 Respondent no.1 and 2 and any person on

their behalf are hereby permanently restrained from disturbing the possession of the petitioner or creating any third party interest by way of sale, transfer, gift, mortgage, etc., in the flat No.26, Sonali Apartments, S. No.14, Anandnagar, Pune – 411051.

5 The claim of petitioner of monthly maintenance is rejected.

6 The respondent no.1 is directed to pay an amount of Rs.2,00,000/- (Rupees Two Lakh only) to petitioner towards future marriage expenses of their two unmarried daughters.

7 Decree be drawn accordingly.

2 The Learned Counsel appearing on behalf of the Appellant i.e. the Respondent No.1 to the Marriage Petition states that in so far as injunction granted in terms of clause (4) of the operative part is concerned, the Appellant undertakes not to disturb the possession of the Respondent No.1 or would not create any third party interest by way of sale, transfer, gift, mortgage, etc., in the flat No.26, Sonali Apartments, S. No.14, Anandnagar, Pune – 411051, during the lifetime of the Respondent No.1.

In so far as directions as contained in clause (6) thereof is concerned, the Learned Counsel Mr. Patil states that reasonable time may be granted to deposit the said amount. In the context of the injunction granted vide clause (4) as above, it is required to be noted that the Appellant and the Respondent No.1 have four children out of their marriage and all are daughters. We are informed that two daughters are already married and two

daughters i.e. Shilpa and Sulakshana are unmarried, both of them are employed according to the Appellant.

3 In view of the statement made by the Learned Counsel Mr. Patil on instructions of the Appellant who is personally present in Court both as regards the occupation of the flat in question by the Respondent No.1 during her lifetime as also his willingness to deposit the amount of Rs.2 lacs albeit subject to the extension of time to deposit the same, in our view, the above Civil Application works itself out and it is not necessary to consider the same for grant of any relief. Hence pending the hearing and final disposal of the above Family Court Appeal, the statement made by the Learned Counsel Mr. Patil would operate. In so far as the time to deposit the amount of Rs.2 lacs is concerned, the Appellant is granted time up to 30-9-2017 to deposit the said amount of Rs.2 lacs in the Family Court, Pune. On such deposit being made, the Respondent No.1 would invest the said amount in two fixed deposits in the name of each of the unmarried daughters in a nationalised bank initially for a period of two years and to be renewed thereafter till such time as the occasion arises to terminate the fixed deposits prematurely in the event of marriage of the daughters being fixed. If the Respondent No.1 does not act in accordance with the instant order, the same would be viewed strictly and then the Respondent No.1 would be liable for action for disobedience of this order. The Civil Application is accordingly disposed of.

4 However, it would be necessary to observe that in view of the statement made by the Learned Counsel Mr. Patil on behalf of the Appellant, infact the challenge in the Appeal would not survive and the concerned Court hearing the above Family Court Appeal at the relevant time may consider disposing of the Appeal in terms of the instant order.

[SMT SADHANA JADHAV, J]

[R.M.SAVANT, J]