

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2341 OF 2017
IN
WRIT PETITION (ST.) NO.22831 OF 2016**

Manisha Rupesh Gangurde .. Applicant

In the matter between
Rupesh Tukaram Gangurde .. Petitioner

Vs.

Manisha Rupesh Gangurde .. Respondent

Mr.A.B.Tajane for the applicant.

Ms.Kirti Purohit i/by Ms.Smita R.Gaidhani for the respondent.

CORAM : R.D. DHANUKA, J.

DATE : 6th November 2017

P.C.:

. By this application, the applicant seeks to withdraw the amount of Rs.40,000/- which is deposited by the original petitioner in this Court in compliance with the order dated 20th March 2017 passed by this Court. No affidavit is filed by the respondent.

2. A perusal of the order dated 20th March 2017 indicates that this Court has directed to the original petitioner to deposit Rs.40,000/- in this Court within two weeks from the date of the said order. According to the applicant, the outstanding of the interim maintenance was in the sum of Rs.58,000/-. According to the applicant, there is further arrears of maintenance of Rs.38,000/- on the date of filing of the said civil application.

3. I have heard learned counsel appearing for the applicant and have perused the averments made in the civil application.

4. Learned counsel appearing for the original petitioner seeks time to take discharge in the matter. I am not inclined to adjourn the matter on that ground. Learned advocate on record can apply for discharge under the provisions of the High Court Appellate Side Rules, 1960. The applicant has made out a case of withdrawal of Rs.40,000/- as prayed. Civil application is made absolute in terms of prayer clause (a).

5. In so far as the prayer clause (b) is concerned, the same can be pressed by the applicant at the time of hearing of the writ petition filed by the original petitioner. Office is directed to permit the applicant to withdraw this amount on the authenticated copy of this order along with accrued interest, if any. Office is directed to release this amount with interest within one week from the date of communication of this order.

R.D. DHANUKA, J.