

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application NO. 2176 OF 2017

IN

Writ Petition No. 10642 OF 2015

Mrs. Chetna Nitin Jadhav

...Applicant

In the matter of

Mr. Nitin Sitram Jadhav

...Petitioner

vs.

Mrs.Chetna Nitin Jadhav.

...Respondent

Mr.Mohan N.Dhamal, for the Applicant.

Ms.Geetika Rajpal i/b. M/s.PV.Nichani & Co., for the Respondent.

CORAM : G.S.Kulkarni, J.**DATE : 21th September, 2017**

P.C. :

1. By this application the applicant/respondent-wife is making a prayer for withdrawal of the amount deposited by the petitioner -husband in this Court as per order dated 26 October 2015. The applicant also prays for withdrawal of the amount deposited before the family court in pursuance of the order dated 11 August 2017. The prayers as made in the civil application read thus:-

“a) the Applicant Mrs.Chetna Nitin Jadhav be permitted to withdraw / receive the amount of Rs.20,000/- deposited by the Petitioner Mr.Nitin

Sitaram Jadhav before this Hon'ble Court as per order dt.26/10/2015 either by cash or by Cheque in her name before the marriage i.e. Chetana Sunill Shirke or by transferring to her S.B.A/c.No.009011100073978 with Abhyudaya Co-op. Bank Ltd., Nehru Nagar Branch, Mumbai-400 022;

b) the Applicant Mrs.Chetna Nitin Jadhav be permitted to withdraw/receive the amount deposited by the Petitioner Mr.Nitin Sitaram Jadhav before Family Court, Bandra, Mumbai as per order dt.11/08/2017 of this Hon'ble Court either by cash or by cheque in her name before the marriage i.e. Chetana Sunil Shirke or by transferring to her S.B.A/c.No.009011100073978 with Abhyudaya Co-op. Bank Ltd., Nehru Nagar Branch, Mumbai-400 022;

c) the Petitioner be directed to make payment of the further maintenance as per the impugned order dt.14/09/2015 below Exh.12 in Petition No.A-1463 of 2013 on the file of Family Court No.3, Bandra, Mumbai, as interim maintenance by transferring to Applicant's S.B. A/c. No.009011100073978 with Abhyudaya Co-op. Bank Ltd., Nehru Nagar Branch, Mumbai-400022 in her name before the marriage i.e. Chetna Sunil Shirke till the hearing and final disposal of the above Petition;

2. In regard to prayer clauses (a) and (b), learned Counsel for the respondent has no objection if these prayers are granted. In regard to prayer clause (c), the learned Counsel for the applicant on instructions submits that the applicant does not press this prayer at this stage. It would be open to the petitioner to urge this prayer as and when so necessary required.

3. In view of the consensus between the parties, the applicant is required to be permitted to withdraw the said amounts. The application is accordingly allowed in terms of prayer clauses (a) and (b). No costs.

4. Let the petition be listed for admission after Diwali Vacation.

[G.S.Kulkarni, J.]