

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.2012 OF 2017
IN WRIT PETITION NO.671 OF 2017

(Anand Dyaneshwarrao Deshmukh vs. Kavita Anandrao Deshmukh)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri C.A. Babrekar, Advocate for applicant/petitioner.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 18, 2017

Heard Shri Babrekar, learned Counsel for applicant/petitioner. None for respondent though appears to be served.

This application is filed by petitioner for speaking to minutes of order dated 7/7/2017 passed by this Court. By the said order, while granting ad interim relief in terms of prayer clause (ii) of the petition thereby staying effect and operation of the impugned order dated 13/6/2016 passed by learned Family Court, Amravati in Petition No.A-141/2015, petitioner was directed to continue to pay Rs.3000/- per month in addition to Rs.2500/- per month, which amount was already directed to be paid by petitioner in the proceedings initiated by respondent under the Protection of Women from Domestic Violence Act, 2005.

Shri Babrekar, learned Counsel for applicant/petitioner, by pointing out the order of Family Court referred above, has submitted that the Family

Court while directing petitioner to pay Rs.6000/- per month to respondent towards maintenance has specifically stated in para 2 of the operative part of the said order that the said amount of Rs.6000/- per month shall be inclusive of maintenance awarded to respondent in any other proceedings between parties in any other Court of law. It is submitted that order dated 7/7/2017 passed by this Court be clarified or modified thereby directing petitioner to continue to pay Rs.3000/- per month only.

The impugned order of Family Court reveals that petitioner is directed to pay Rs.6000/- per month towards maintenance, which amount is inclusive of maintenance awarded to respondent in any other proceedings between the parties.

In view of contents as aforesaid, it appears that this Court while granting ad interim relief though passed conditional order granting stay to the impugned order of the Family Court, directed petitioner to pay Rs.3000/- per month in addition to Rs.2500/- per month already directed to be paid by petitioner in the proceedings under Protection of Women from Domestic Violence Act, 2005. Since the impugned order of Family Court specifies that the amount directed to be paid by petitioner was inclusive of maintenance awarded in any other proceedings, order dated 7/7/2017 passed by this Court is modified as below :

There shall be ad interim relief in terms of prayer clause (ii) of the petition, in effect, stay to operation and implementation of order dated 13th June

2016 passed by learned Family Court, Amravati in Petition No.A-141 of 2015 subject to petitioner's continuing to pay Rs.3000/- per month.

So far payment of Rs.30,000/- towards arrears of maintenance is concerned, learned Counsel for petitioner has placed on record money receipt establishing said payment on 7/8/2017.

The application is disposed of as allowed in the above terms.

JUDGE

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