

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9028 OF 2015
(Vishnu s/o Keshav Chate Vs. Kamalabai w/o Vishnudas Chate and
another)

Mr.S.G.Munde, Advocate for the petitioner.
Mr.Gangakhedkar, Advocate for respondent Nos.1 and 2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 10/08/2018

PER COURT :

1. I have heard the learned Advocates for the respective sides extensively on 06/08/2018 and today. With their assistance, I have gone through the petition paper book.

2. The petitioner contends that there are about 8 rooms belonging to the petitioner, in the possession of the respondent first wife. She has let out a few rooms and is earning rent from the said rooms.

3. There is no dispute that as on date, the outstanding maintenance amount payable to the respondent/wife is about Rs.3,27,000/-. The daughter of the petitioner and respondent No.1 has got married in May 2017 and hence the maintenance amount of Rs.1,500/- for the said daughter, need not be prayed by the

petitioner.

4. The petitioner present in the Court admits that he has moved an application before Secretary, GPF Department, Maharashtra State Power Distribution Company Limited, Hongkong Bank Building, Matunga, Mumbai praying for withdrawal of a portion of the GPF. He has not received any amounts towards such withdrawal as on date, is the statement made.

5. RD No.17/2008 is still pending.

6. Considering the above, taking into account the statement of the petitioner that he would deposit an amount of Rs.3,27,000/- before the Executing Court through the GPF withdrawals and considering that the darkhast proceedings are pending for the last 8 years, I pass the following order :-

[a] This petition is disposed of.

[b] If the petitioner desires to withdraw any amount from his GPF, an amount of Rs.3,27,000/- shall be deposited with the Executing Court, directly by the competent authorities.

[c] The respondent / wife is at liberty to place the copy of this order before the GPF Authority

[d] The GPF authorities, while permitting the GPF withdrawal, shall straightway deposit the amount of Rs.3,27,000/- before the Executing Court by preparing a cheque in the name of “**Hon'ble Civil Judge, S.D. Beed**”

[e] Only if the aforesaid amount is deposited, that the petitioner would be at liberty to seek modification of the order dated 25/07/2015 by moving an application before the Executing Court.

[f] If no such amount, as above, is deposited, until the amount is so deposited, the impugned order shall continue to bind the petitioner.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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by Kranti Hansraj
Shekatkar
Date: 2018.08.14
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