

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 13269 OF 2017 IN WP/9659/2017

ARTI SWAPNIL WAKCHOURE
VERSUS
SWAPNIL ASHOK WAKCHOURE

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Advocate for Applicant : Jadhav Chetan T.
Advocate for Respondents : Adv R A Tambe

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CORAM : V.K. JADHAV, J.
Dated: February 09, 2018

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PER COURT :-

1. Learned counsel for respondent husband has strongly resisted the application seeking withdrawal of the amount of maintenance deposited before this Court as interim maintenance on the ground that court below has passed order of maintenance exparte as against respondent husband. Learned counsel, on instructions, submits that, parties are not disputing the relations interse as husband and wife.

2. Learned counsel for respondent husband submits that, though there is no evidence about the income of the respondent/husband, the court below has granted the maintenance since respondent husband has failed to contest the matter. However, the same would be considered while

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deciding the writ petition finally on merits.

3. Since the relations interse are not disputed by the parties, I am inclined to grant this application without prejudice to the contentions raised in the pending writ petition. The applicant wife is permitted to withdraw the amount of Rs.30,000/-(Rs. Thirty Thousand) deposited before this Court. CA accordingly disposed of.

2. Writ petition is adjourned to 16.2.2018.

(V.K. JADHAV, J.)

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