

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

**CIVIL APPLICATION NO. 149 OF 2018
IN
FAMILY COURT APPEAL NO. 89 OF 2018**

Himanshu Suresh Tare ... Applicant.
(Org.Petitioner)

In the matter between :

Himanshu Suresh Tare ... Appellant.

V/s.

Bharati Himanshu Tare ... Respondent.

Mr. Amey Tamhane, Advocate i/by Seema Sarnaik, Advocate
for the Applicant/Org. Petitioner.

Ms. Rushita Jain, Advocate for the Respondent.

CORAM : K.K. TATED & N.J. JAMADAR,JJ.

DATE : DECEMBER 11, 2018.

PC :

1 Heard the learned counsel for the parties.

2 By this civil application, the applicant-husband is seeking stay to the operation and implementation of the clauses nos. 5 and 6 of the impugned judgment and decree dated 18.01.2018 passed by the Judge, Family Court No. 3, Pune in Petition No. A-451 of 2011 to the extent of granting the permanent alimony of Rs. 15 lakhs to the Respondent-wife

and Rs. 5 lakhs as fixed deposit in the name of his daughter. Clauses nos. 4, 5 and 6 of the impugned judgment and decree dated 18.01.2018 reads thus :

“4. The respondent shall be the custodian guardian of her daughter.

5. The Petitioner shall pay Rs. 15 lakhs in lumpsum towards permanent alimony of the respondent.

6. The petitioner shall make fixed deposit of Rs. 5 lakhs in the name of his daughter in any nationalized bank with respondent as guardian.”

3 The learned counsel for the Applicant submits that he has already deposited Rs.5 lakhs. He submits that this Hon'ble Court be pleased to stay the operation and implementation of the clause no. 5 of the impugned judgment and decree by which the trial court directed the applicant to pay Rs.15 lakhs to the Respondent in lumpsum towards permanent alimony of the respondent. He submits that if the said clause of the order is not stayed, irreparable loss would be caused to the applicant.

4 It is to be noted that the Judge, Family Court No. 3, Pune, in its impugned order dated 18.01.2018 in paragraph no. 24 had specifically recorded that the applicant-husband on

his own agreed to pay permanent alimony to the extent of Rs. 14 lakhs and Rs.5 laks towards the daughter.

5 As the impugned order dated 18.01.2018 in respect of the maintenance was passed by consent of the Applicant- husband, there is no question of entertaining the present civil application. Hence, the following order :

- i. The Civil Application is rejected.

(N.J. JAMADAR, J.)

(K. K. TATED,J.)

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