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

***CIVIL APPELLATE JURISDICTION***

**FAMILY COURT APPEAL NO. 116 OF 2018**
**WITH**
**CIVIL APPLICATION NO. 173 OF 2018**
**IN**
**FAMILY COURT APPEAL NO.116 OF 2018**

Mr. Amul Maruti Salaskar ..Appellant

Vs.

Mrs Anuja A. Salaskar ..Respondent

Mr. Sachin J. Kadam I/b Manali D. Surve, for the Appellant.
Mrs. Vaishali M. Tikale , for the Respondent.
Ms. Chandrakala Shantaram Rane.

CORAM:-**K. K. TATED & B. P. COLABAWALLA,JJ.**
DATE :- **JULY 25, 2018.**

**P. C.:**

Heard. The learned counsel for the Appellant submits that by this Family Court Appeal the Appellant is challenging the judgment and decree dated 13th March, 2018 passed by the Family Court, Mumbai at Bandra in Petition E-276 of 2016 under Section 125 of Code of Criminal Procedure, 1973. He submits that in view of the judgment of this Court in the matter of **Vira Chatur Kripalani v/s Chatur Tahilram**

**Kripalani reported in 2018 (4) Mh. L. J. page 210,** proper procedure is to file Criminal Revision Application. Hence, he may be permitted to withdraw the present Family Court Appeal with liberty to file appropriate proceeding. To that effect he has given in writing. Same is taken on record and marked "X" for identification. Same is accepted.

2 Family Court Appeal as well as Civil Applications stands disposed of as withdrawn with liberty as prayed.

3 At this stage, the learned counsel appearing on behalf of the Respondent submits that in the present proceedings the Appellant has deposited a sum of Rs. 3 Lakhs in the Registry of this Court as per the order passed by this Court on 10th July, 2018. He submits that the Respondent wife may be permitted to withdraw the same.

4 The learned counsel for the Appellant submits that they have no objection for withdrawal of the said amount of Rs. 3 Lakhs, by Respondent however, same be treated towards the payment of arrears of maintenance charges.

5 Considering these facts, the Respondent wife Anuja Amul Salaskar is permitted to withdraw the sum of Rs. 3 Lakhs along with

accrued interest, if any, without furnishing any security. That amount to be treated towards the payment of arrears of maintenance charges.

6 The learned counsel for the Respondent wife submits that the Respondent has bank account in the maiden name. Hence, the Registry is directed to issue cheque and/ or transfer the said amount in her bank account which stand in her maiden name.

**( B. P. COLABAWALLA, J. )** **( K. K. TATED, J. )**