

dik

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

CIVIL APPLICTION NO. 220 OF 2018
IN
FAMILY COURT APPEAL NO. 228 OF 2014

Sanatkumar Nageshwarrao Anumalla ...Applicant
In the matter between
Sapana Sanadkumar Anumalla ...Appellant.
vs
Sanatkumar Nageshwarrao Anumalla ...Respondent.

.....
Mr Priyal G. Sarda for the Applicant.
Mr Anand S. Kulkarni for the Appellant.

.....

Dhanappa
Irappa
Koshti
Digitally
signed by
Dhanappa
Irappa
Koshti
Date:
2018.08.20
11:38:32
+0530

**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
AUGUST 14, 2018.**

P.C. :

Heard learned counsel for parties.

2 By this Civil Application the Applicant – husband is seeking extension of time to deposit the sum of Rs.4 Lacs i.e. second installment as per the consent terms dated 27th July, 2017, till 31st December, 2018.

3 After arguing for some time, Mr Sarda, learned advocate for the applicant – husband submits that the applicant is ready and willing to pay the sum of Rs.75,000/- towards the penalty to the appellant – wife. He further submits that he will deposit said sum of Rs.75,000/- in the account of the appellant –

wife on or before 16th August, 2018 and file a praecipe along with proof to that effect in the Registry of this Court within two weeks thereafter. Advocate for the applicant further submits that he will clear the sum of Rs.4 Lacs i.e. towards the second installment as agreed on or before 31st December, 2018. Advocate for the applicant submits that in case it remained on the part of the applicant to clear the sum of Rs.4 Lacs towards the second installment on or before 31st December, 2018, he will pay extra sum of Rs.1 Lac towards the additional penalty and he will clear the entire dues i.e. sum of Rs.4 Lacs towards the second installment + Rs.1 Lacs towards the additional penalty on or before 31st March, 2019. To that effect the applicant has filed an affidavit-cum-undertaking dated 14th August, 2018.

4 The applicant – Sanatkumar Anumalla has entered into witness box. He admits the contents of undertaking as well as the execution thereof. The same is taken on record and marked “X” for identification.

5 In view of the submissions made by the learned advocate for the applicant and the undertaking dated 14th August, 2018 and as a last chance, the time is extended to clear the sum of Rs.4 Lacs towards the second installment till 31st December, 2018.

6 The applicant to place on record the documentary evidence to show that he has paid and or deposited the sum of Rs.75,000/- in the Appellant's account on or before 16th August, 2018. That praecipe-cum-document shall be placed in the Registry within two weeks from today, failing which the Civil

Application shall stand dismissed without further reference to the Court.

7 With these directions, the Civil Application stands disposed of accordingly.

8 No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)