

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Application No. 3237 of 2018
in
Writ Petition No.2593 of 2017 (Decided)
(Jitendra Bhimashankar Kale .vs. Sau. Shubhangi @ Chhaya Jitendra Kale)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. D.V. Mahajan, Advocate for Petitioner.
Mr. S.A. Bramhe, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : December 21, 2018.

By this application, the applicant-husband (original petitioner in the writ petition) is seeking to withdraw amounts deposited before this Court during the pendency of the said writ petition. While dismissing the writ petition on 17.09.2018, the respondent/wife had been granted permission to withdraw the amounts lying in deposit of this Court.

But, thereafter, the parties entered into a settlement before the Family Court and one of the clauses of the document of settlement between the parties records that the respondent/wife is giving up her right to amounts deposited in this Court towards maintenance, to which the applicant/husband would be entitled.

The learned counsel appearing for the respondent does not dispute this fact. A copy of the terms of settlement has been placed on record which at Clause 6 indeed records the aforesaid fact. Accordingly, this application is allowed and the applicant (original

petitioner in writ petition) is permitted to withdraw the amounts deposited in this Court during the pendency of the Writ Petition No. 2593 of 2017, details of which have been given in the prayer clause of the application.

Application is disposed of.

JUDGE

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