

Tikam

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

CONTEMPT PETITION No. 112 OF 2015

Mrs. Barkha Ashok Rajpal  
@ Barkha Rajeev Herani

...Petitioner  
(Original Appellant)

Vs.

Gulab Nanikram Herani  
now deleted  
Rajeev Gulab Hirani

...Respondents  
(Original Respondents)

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Mr. Rohit D. Joshi for Petitioner  
Mr. Prem S. Gidwani for Respondent No.2  
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**CORAM : SHRI K.K. TATED, J.**

**DATE : APRIL 24, 2019**

**P.C.:**

1. Heard learned counsel for the parties.
2. Both the counsels after arguing for some time, filed Consent Minutes Order dated 24<sup>th</sup> April, 2019, duly signed by them and parties. Same is taken on record and marked 'X' for the purpose of identification. The same reads thus:

**CONSENT MINUTES OF ORDER:**

“1. According to the Petitioner, as per Order dated 25<sup>th</sup> September 2017 passed by this Hon’ble Court in Civil Application Stamp No. 27185 of 2017 filed in Appeal From Order stamp No. 14257 of 2017, till date Respondent No. 2 has not deposited the amount of Rs. 22,000/- per month in the Trial Court. The Respondent No. 2 has got Demand Draft of Rs. 3,08,000/- for the period from 1<sup>st</sup> March 2018 till 30<sup>th</sup> April 2019 in the name of

Learned Registrar, High Court, Appellate Side, Bombay. The Respondent No. 2 further submits that he wants to apply for seeking modification of Order dated 25<sup>th</sup> September 2017 passed by this Hon'ble Court in the above Appeal from Order.

2. In such circumstances, the Respondent No. 2 is allowed to deposit an amount of Rs 3,08,000/- by Demand Draft in the registry of this Hon'ble Court and Petitioner is allowed to withdraw the said amount without prejudice to rights and contention of both the parties.

3. The Respondent No. 2 hereby undertakes to this Hon'ble Court that subject to further modification if any granted by this Hon'ble Court he shall continue depositing an amount of Rs. 22,000/- in this Hon'ble Court without prejudice to the rights of the parties, on the first date of each month till further orders by this Hon'ble Court in the Civil Application to be filed by the Respondent No.2 in Appeal From Order stamp No. 14257 of 2017 or by family Court as recorded in Order dated 25<sup>th</sup> September 2017 passed by this Hon'ble Court in Civil Application Stamp No. 27185 of 201 or till the disposal of Bambay City Civil Court at Dindoshi S.C. Suit No. 3306 of 2016 is disposed off whichever is earlier.

4. Thus in such circumstances and in a view of aforementioned facts, this Contempt Petition is disposed off. All the contentions of both the parties are kept open.”

4. Contempt petition stands disposed of in terms of Consent Minutes of Order.

5. Petitioner is entitled to withdraw the amount deposited by Respondent No.2 in the Registry of this Court without furnishing any security.

**[ K.K. TATED, J.]**

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