

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.134/2019
in
Family Court Appeal No.155/2013

Basavraj
G. Patil

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Basavraj G. Patil
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Sandeep Tukaram Udmale Applicant

Vs.

Suvarnalata Sandeep Udmale Respondent

Mr. Ameya Tamhane i/b. Seema Sarnaik for the Applicant
Mr. Pankaj D. Purwan for Respondent No.1.
Mr. Dushyant Kumar for Respondent No.2 to 5.

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : NOVEMBER 21, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking several reliefs. However, during the course of the arguments, the learned counsel for the Applicant submits that at present, he is pressing only prayer clause (d) i.e. to direct the National Defense Academy, Khadakwasla, Pune to release the Applicant's pension without signature of the Respondent wife.

2 The learned counsel for the Applicant submits that the Applicant was compulsorily retired from service on 23.10.2016. Thereafter the National Defense Academy has submitted final No-Demand-Certificate dated 06.10.2017 to

the concerned Authority. He submits that as a procedure, the National Defense Academy requires signature / no-objection from the Respondent wife. He submits that because of the disputes, the Respondent wife is not ready to give her signature. Hence, the present Civil Application.

3 The learned counsel for the Respondent - wife submits that the Respondent wife is entitled to maintenance and therefore, he seeks some time to make an Application. When this court called upon the advocate for the Respondent wife to take instructions from his client i.e. Respondent wife, whether she is ready to sign the pension papers to release the pension, the Respondent wife shown her inability to sign the pension papers.

4 The learned counsel for Respondent Nos.2 to 5 submits that if the Applicant completes all other formalities except the signature of the Respondent wife, they have no objection to release the pension in favour of the Applicant.

5 In view of these facts, we are satisfied that the Applicant has made out a case to direct the National Defense Academy, Khadakwasla, Pune to release the pension, on completion of all the formalities, except the signature of the Respondent wife.

6 Hence, following order is passed:

- a. The National Defense Academy, Kahadawasla, Pune is directed to release the pension of the

Applicant Sandeep Tukaram Udmale, who was compulsorily retired from 26.10.2006 on completion of all other formalities except the signature of the Respondent wife - Suvarnalata Sandeep Udmale, immediately.

b. The learned counsel for Respondent Nos.2 to 5 is also directed to forward a copy of this order to the concerned Department.

c. Liberty granted to the parties to make an appropriate Application, if so desire, for the remaining relief, which shall be decided on merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

f. Parties to act on authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)