

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

**FAMILY COURT APPEAL NO.115 OF 2017
WITH
CIVIL APPLICATION NO.69 OF 2017
IN
FAMILY COURT APPEAL NO.115 OF 2017**

Mrs.Geeta Raju Bamne @
Ms.Geeta Chanabhai Patel

.... Appellant/
Applicant

versus

Raju Rama Bamne

... Respondent

.....

- Mr.C.P. Deogirikar, Advocate for Appellant/Applicant.
- Ms.Dipali Jadhav i/b. S.C. Legal, Advocate for Respondent.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.
DATE : 18th JANUARY, 2019.**

P.C. :

1. Heard learned Counsel for the respective parties.
2. The present Appeal at the behest of the Appellant Mrs.Geeta Raju Bamne is filed seeking to challenge the order dated 08/08/2016 passed by the 6th Family Court, Bandra, in

Petition No.A-294 of 2012 by which order the Petition was dismissed and counter claim of the Respondent/Husband was allowed, with the following decree;

- “1. The petition bearing No.A-294 of 2012 is hereby dismissed, counter claim filed by respondent is allowed.*
- 2. The marital tie between petitioner and respondent dated 24.02.2011 took place at Marriage Registrar Office, Bandra as per the provisions of Special Marriage Act is hereby dissolved with effect from the date of decree.*
- 3. Parties to bear their own costs.”*

3. Prior to passing of decree on 28/03/2014 the Family Court had passed an order regarding maintenance towards the Appellant and the Respondent/Husband was directed to pay maintenance of Rs.2,000/- per month to the Appellant towards maintenance charges. But, no directions in respect of maintenance were given in the order dated 08/08/2016 by the Family Court Judge.

4. Hence, challenging the said order and decree passed by the Family Court Judge, the present Civil Application No.69/17 came to be filed. Interim directions were issued in the said Application by this Court vide order dated 04/05/2018 where the Respondent/Husband undertook to regularly pay a maintenance of Rs.2,000/- as directed by the trial Court, by the end of every month to the Appellant commencing from June 2018.

5. It was stated by the learned counsel for the Respondent/Husband that as directed by this Court on 26/07/2017, out of the total arrears from 26/07/2017 i.e. Rs.40,000/-, the amount of Rs.20,000/- would be deposited in the bank of the Appellant on or before 01/06/2018 and remaining amount would be deposited on or before 22/06/2018.

6. Today it is submitted that the Respondent/Husband in compliance of the said order has, in fact, deposited a sum of

Rs.20,000/- against the aforesaid directions. It is stated that the Appellant has received a sum of Rs.20,000/- deposited in her bank account by the Respondent/Husband and further amount of Rs.20,000/- will be deposited in the Registry of this Court.

7. It appears from the affidavit submitted before this Court today that the Appellant does not desire to continue with the present Appeal for the reasons narrated in the said affidavit and accordingly prays for directions to withdraw the amount may be issued to the Registry of the Court to release amount deposited in the Registry in favour of the Appellant. Learned counsel further submits that the Appellant is maintaining a bank account in her maiden name i.e. Geeta Chanabhai Patel, with the Dena Bank, Malad (East) Branch, and she prays that the Registry may be directed to remit the deposited amount with interest, if any, in her name in the bank account No.0011010034330 of the aforesaid bank. The learned Counsel for the Respondent/Husband has no objection to this relief sought for by the Appellant.

8. Accordingly, Registry is directed to act in terms of the aforesaid directions. We direct that the amount kept in deposit pursuant to these directions and interest, if any, be remitted in favour of the Appellant's bank account indicated hereinabove on an early date.

9. With the aforesaid directions, the Appeal stands dismissed as withdrawn.

10. The order and decree passed by the Family Court Judge, stands confirmed.

(SARANG V. KOTWAL, J.)

(INDRAJIT MAHANTY, J.)