

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8439 OF 2019
IN
SECOND APPEAL NO.403 OF 2019

GANGADHAR KISANRAO BORDE
VERSUS
DWARAKABAI GANGADHAR BORDE AND ANOTHER

Mr. R.B. Dhakane, Advocate for the applicant.
Mr. H.V. Tungar, Advocate for respondent No.1.

CORAM : S.M.GAVHANE, J.
DATED : 08.01.2020

P.C. :-

. Heard learned counsel appearing for the applicant/appellant and respondent No.1/original plaintiff.

2. The appellant-husband has moved this application to stay the judgment and decree passed by the Appellate Court in Regular Civil Appeal No.71 of 2017 on 29.01.2019. Today, the appeal filed by the appellant is admitted.

3. Learned counsel appearing for the applicant-

appellant submitted that the judgment and order passed by the Appellate Court may be stayed, as the appellant has regularly deposited monthly maintenance of Rs.1000/- in the Court.

4. On the other hand, learned counsel appearing for respondent No.1-wife submitted that the appellant-husband did not respect the order passed by the Trial Court or even the order passed by the Appellate Court and therefore, in-case judgment and order of the Appellate Court is to be stayed, the applicant-appellant be directed to deposit entire amount as per order under challenge.

5. Considering the fact that the appeal filed by the appellant-husband is admitted and the amount of arrears of maintenance is Rs.15,00,000/- i.e. Rs.15000/- per month from the date of suit i.e. 05.08.2011, the execution of judgment and order dated 29.01.2019 passed by the Appellate Court in Regular Civil Appeal No.71 of

2017 is stayed, till decision of the Second Appeal on appellant-respondent depositing Rs.11,00,000/- (Rupees Eleven Lakhs) in the Trial Court and further on depositing amount of maintenance of Rs.10,000/- (Rupees Ten Thousand) every month on or before 12th of each month commencing from February, 2020. The amount of Rs.11,00,000/- (Rupees Eleven Lakhs) is to be deposited by the appellant within three weeks.

6. The civil application is accordingly allowed and disposed of.

[S.M.GAVHANE, J.]