

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 13070 OF 2019
WITH
SECOND APPEAL NO. 340 OF 2019

RADHABAI RAOSAHEB BANGAR
VS
RAUSAHEB RANGNATH BANGAR

Mr. Nilesh K. Tungar, Advocate for the applicants
Mr. Subhash V.Mundhe, Advocate for sole respondent

CORAM : S. M. GAVHANE, J.

DATE : 23-01-2020

P. C.

. Applicant-wife has filed this application to allow her to withdraw an amount of Rs. 2,00,000/- deposited by the respondent-husband as per order dated 09-07-2019 of this court.

2. Learned counsel for the applicant submitted that respondent has filed appeal aggrieved by the decision in RCA No. 128 of 2018 dated 27-03-2019 passed by District Judge, Jalna thereby dismissing the said appeal filed by husband against the decree in RCS No. 222 of 2009 awarding maintenance to wife. This court granted stay to the execution proceeding by order dated 09-07-2019 and directed the husband to deposit Rs. 2,00,000/- and husband has deposited the said amount in this court. It is submitted that amount due to the respondent is Rs. 2,33,876/-.

3. Learned counsel appearing for the husband submitted that land is given to the wife as per compromise in another suit bearing RCS No. 174 of 2003, and now the husband is land less.

4. This appeal is yet to be admitted. Objection raised by the learned counsel for the husband can be considered in case, appeal is admitted. Fact remains that as on today there is decree in favour of the wife directing husband to pay monthly maintenance of Rs. 3000/- from the date of RCS No. 222 of 2009 which was filed on 30-07-2009. Considering the same, applicant can be allowed to withdraw an amount on her furnishing undertaking that she will re-deposit the amount, in case directions in that respect are issued by this court. Therefore, application is allowed. Applicant-wife is allowed to withdraw the amount of Rs. 2,00,000/- deposited in this court on her furnishing undertaking that she will re-deposit the said amount as and when she will be directed by this court. The withdrawal of the amount is subject to decision of this court.

5. Interim relief, if any, passed earlier in second appeal operating to continue till next date.

6. List the appeal for admission on 03-03-2020.

[S. M. GAVHANE, J.]