

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12460 OF 2015**

Shri Satappa Pandurang Magdum

.... Petitioner.

V/s

Sau Saraswati Satappa Magdum & Anr.

..... Respondents.

Mr. Prajakt M. Arjunwadkar for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 10, 2020

P.C.:-

1] A decree for for maintenance came to be passed on 29/7/2005 against which execution was sought by Respondent-wife.

2] Learned executing court issued certain directions to the Bank to deduct amount of Rs 2000/- from pension receivable by the Petitioner and also transfer the same to the Court. As such, this Petition.

3] While relying on the judgment of the Apex Court in the matter of *Radhey Shyam Gupta vs Punjab National Bank and Anr*¹ submissions are, once the pension of the Petitioner as an ex-serviceman is

¹ (2009) 1 SCC 376

deposited in the Bank Account, same cannot be attached. In my opinion, submission is wholly misplaced, particularly reliance placed on the aforesaid judgment, as this Court cannot be oblivious to the object with which Chapter-IX is included in the Criminal Procedure Code so as to address the social obligations of earning spouse. This court cannot be insensitive to the fact that decree of 2005 for maintenance is not permitted to be executed till this date.

4] In the aforesaid backdrop, this Court is constrained to dismiss the Writ Petition with an observation that execution proceedings be taken to its logical end overruling all objections whatsoever raised by the Petitioner/judgment debtor forthwith and expeditiously.

(NITIN W. SAMBRE, J.)