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

**INTERIM APPLICATION NO. 1276 OF 2021
IN
WRIT PETITION NO. 13733 OF 2018**

Aakruti Anil Mistry

....Applicant

V/s.

State of Maharashtra and another

....Respondents

Smt. Prabha Badadare for Applicant/Respondent No. 2 in WP

Mr. Prajot H. Jaggi Petitioner

Smt. V. S. Nimbalkar AGP for Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: JUNE 28, 2021.

P.C.:

1] Prayer for withdrawal of the amount of maintenance moved by the wife is strenuously objected by the husband on the ground that his application for modification of the order under which the amount was directed to be deposited is pending adjudication. According to him, amount is meant for the daughter, who has started earning and that being so, the amount cannot be permitted to be withdrawn. He would further claim that the amount lying with this Court is sought

to be used by the Applicant-wife for clearing arrears of maintenance of the society in which they are residing.

2] Having considered the aforesaid objection, I am of the view that the Application needs to be allowed particularly when the Petition questioning the order was withdrawn so also the review petition.

3] Even if application for modification is pending, same will be of hardly any assistance so as to refuse the permission for withdrawal of the amount particularly when the amount was deposited towards satisfaction of order of Award of maintenance.

4] As such, objection is overruled. Application is allowed in terms of prayer clause (b). Applicant-wife is permitted to withdraw entire amount lying in this Court with accrued interest thereon, if any.

[NITIN W. SAMBRE, J.]