

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 32 OF 2020

Mrs. Arpana @ Soni W/o Arun Kumar and others

vs.

Arun Kumar s/o Ramchandra Jha

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Vaishali Khadekar, Advocate for petitioners.
Mr. P. N. Upadhyay, Advocate for sole respondent.

CORAM : MANISH PITALE J.

DATE : 06/07/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The learned counsel for the rival parties inform this Court that during the pendency of the writ petition, affidavits have been filed by the respondent as well as the petitioner No.1.

3. By affidavit dated 24/06/2021, the respondent has stated as follows :-

“2]. The respondent hereby undertakes that he is ready to share half of the invested amount invested by him jointly with the petitioner specifically mentioned in paragraph

No.4 to 7, of the application at Annexure II annex by the petitioner with the instant petition and he further agree to pay the arrears of maintenance out of his half share, after receipt of the same from the respective authorities.”

4. The learned counsel for the respondent clarifies that instead of the words “ **paragraph No. 4 to 6** ”, it be read as “ **paragraph No.4 to 7** ”. The statement is accepted.

5. In affidavit dated 02/07/2021, the petitioner No.1 has stated as follows :-

“2) That, during the pendency of the present petition respondent has filed the affidavit dated 24.06.2021, where in he undertakes to share half of the invested amount which was in the joint name, more specifically mentioned in the para no.4 to 7 in the application dated 08.12.2019. The copy of the said application has already been annexed with the petition as annexure no.2, page No.27. I, hereby ready to accept the said proposal of Respondent / Husband for sharing 50% of the invested amount in our joint name.

3) That, in the said application some investments have been made exclusively in my name, more specifically mentioned in para no.6 of the said application.

I, the under signed is ready and willing to share 50% / half amount of the invested amount to the respondent / husband which was exclusively on my name as per the para no. 6 of the said application. The present affidavit may be considered as my undertaking as mentioned above.

Hence this affidavit. ”

6. Additionally, the learned counsel for the respondent on instructions submits that the amount lying with Tirupati Builder, shall be received from the said builder and the same shall also be divided 50% each between the petitioner No.1 and the respondent herein. The petitioners are agreeable to the said statement made on behalf of the sole respondent.

7. In view of the above statements made on affidavits and instructions, this writ petition is disposed of by holding that the impugned order is modified in terms of the said agreement between the parties. The parties are directed to abide by their respective statements made before this Court.

8. Writ Petition stands disposed of.

JUDGE