

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO.3140 OF 2022
IN FCA/27/2017

PRIYA D/O GAJANAN GAWAI AND ANOTHER
VERSUS

GAJANAN KISANRAO GAVAI AND ANOTHER

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Mr. D.A. Naik, Advocate for applicants

Mr. A.M. Gholap, Advocate for the sole respondent

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CORAM : SMT. VIBHA KANKANWADI AND
R.M. JOSHI, JJ.

DATE : 14th OCTOBER, 2022

PER COURT :

1 Present application has been filed for allowing the applicants to allow applicant No.1 to withdraw Fixed Deposit of Rs.7,50,000/- along with its interest.

2 Applicant No.1 is the daughter of applicant No.2 and respondent. Applicant No.2 has objected the application contending that applicant No.2 is no longer his wife and in fact, she is also Teacher in Zilla Parishad. As per her desire she was given custody of applicant No.1 and another daughter and

then the respondent aggrieved to deposit amount of Rs.7,50,000/- in the name of applicant No.1 and equal amount in respect of another daughter to meet their educational needs as well as in respect of their marriage. At the most, some amount be allowed to be withdrawn by the applicant No.1 for her educational needs.

3 At the outset, it is to be noted that now the applicant No.1 has become major. The said Fixed Deposit came to be made in view of the order passed by this Court on 19.04.2018. When Appeal No.27 of 2017 was pending, the dispute was referred to mediator to explore the possibility of settlement and then in view of the settlement that was arrived at, the appeal was allowed, six months waiting period for passing the decree by consent was waived and then the declaration was granted regarding the severance of status. Amount of Rs.15,00,000/- were deposited by two Demand Drafts by the respondent with this Court and then the Registrar (Judicial) was directed to keep amount of Rs.7,50,000/- each in the name of two daughters, till the attainment of their majority. We would like to harp upon the fact that since the girl has become major, she is entitled to withdraw the Fixed Deposit. Now, the respondent – father cannot control that since the amount was given for a particular cause and out of that the other cause is not happening, then, the withdrawal should not be permitted. In fact, it was the amount given to

the daughter, that too, till the attainment of her majority and now that event has occurred i.e. she attained the majority, therefore, she is entitled to withdraw the Fixed Deposit. Hence, the application stands allowed and disposed of. Applicant No.1 is allowed to withdraw the said amount in the Fixed Deposit together with accrued interest.

(R.M. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)

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