

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

CIVIL APPLICATION NO. 187 OF 2019

IN

FAMILY COURT APPEAL NO. 107 OF 2019

Shevant Yashwant Kamble

... Applicant

Vs.

Madhumathi Shevant Kamble

... Respondent

Karishma Mungekar i/b. Sahil Mahajan for the Applicant.

Bhagyashri Mangale for the Respondent.

**CORAM : K. R. SHRIRAM &
KAMAL KHATA, JJ.**

DATED : 21st DECEMBER 2022

PC. :

1. The order dated 24th March, 2021 reads as under:

1. “The learned Counsel for the applicant in Civil Application No. 187 of 2019 states that pursuant to the order dated 8th November, 2019, the applicant has deposited an amount of Rs. 39,000/- in the Family Court and Rs. 1,00,000/- in the Registry of this Court on 27th November, 2019 and 11th March, 2020 respectively.
2. Insofar as the balance amount of Rs. 50,000/- towards arrears till November, 2019 is concerned, it is stated in the affidavit dated 17th March, 2020 filed by the applicant that he would deposit the said amount on or before 10th April 2020.
3. The learned Counsel for the applicant submits that due to lock down, the applicant could not pay the balance amount of Rs. 50,000/-, which was to be deposited on or before 10th April, 2020 till date. Her client undertakes to deposit the balance amount of Rs. 50,000/- within a period of two weeks from today in the Registry of this Court. Undertaking is accepted.

4. The applicant shall deposit the balance amount of maintenance as awarded by the Family Court without prejudice to the rights and contentions of the applicant in this Court till the month of April, 2021 on or before 30th April 2021 without fail with intimation to the respondent's advocate.
5. The Registry of the Family Court shall permit the respondent to withdraw an amount of Rs. 39,000/- deposited by the applicant on 27th November, 2019 without any security and unconditionally. The Registry of this Court shall permit the respondent to withdraw an amount of Rs. 1,00,000/- deposited by the applicant in this Court on 11th March, 2020 unconditionally and without security.
6. So far as the balance amount is concerned, the Registry of this Court shall permit the respondent to withdraw the said amount on furnishing an undertaking that if the respondent fails in the Civil Application No. 187 of 2019, the respondent would return the said amount if so directed by this Court. The said undertaking shall be filed within a period of one week from the date of communication about deposit of the balance amount by the applicant in this Court.
7. The learned Counsel for the respondent states that the respondent be permitted to withdraw the amount deposited before the Family Court and before this Court in the name of Madhumathi Raut i.e. in her maiden name.
8. The Family Court as well as this Court to permit withdrawal of the said amount as directed aforesaid in the name of Madhumathi Raut upon receipt of an authenticated copy of this order duly authenticated by Sheristedar of the Court.
9. Place the matter on board on 9th June, 2021 for hearing.”

2. Ms. Mangale states that an amount of Rs.39,000/- deposited with the Family Court, has been withdrawn. As regards amount of Rs. 1 Lakh deposited with the Registry of this Court, the amount has not been withdrawn because Respondent's name is shown as "Madhumathi Raut" and not "Madhumati Raut". The Registry to pay over Rs.1 Lakh together with accumulated interest, if any, to Respondent and the pay order shall be issued in the name of Madhumati Raut. The pay order shall be handover within two weeks of receiving an Application.

3. That would leave the amount of Rs.50,000/- referred to in paragraphs 2, 3 and 4 of order dated 24th March 2021. Ms. Mangle states the amount has not been paid.

4. Ms. Mungekar appearing for Applicant does not disagree but at the same time states that after 24th March, 2021, Applicant has not contacted the advocate and even advocate's attempts to contact Applicant has been in vain.

5. In the circumstances, Appeal dismissed. Respondent may take such steps to recover all balance amounts from Applicant by adopting such proceedings as advised. Applicant's advocate to forward a copy of this order to the last known address of Applicant.

6. All to act on authenticated copy of this order and not insist on certified copy.

(KAMAL KHATA, J.)

(K. R. SHRIRAM, J.)