

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1610 OF 2022  
IN  
WRIT PETITION NO.541 OF 2020

Rebecca Smith

...Applicant

**IN THE MATTER BETWEEN**

Firdoz Mubarakhi

...Petitioner

Vs.

Rebecca Smith

...Respondent

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Mr.S.S. Ambedkar i/b Ms.Vishakha Potdar for the Petitioner.  
Ms.Pooja Jalan for the Applicant.  
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CORAM : C.V. BHADANG, J.

DATE : 17 AUGUST 2022

P.C.

. This is an Application for withdrawal of the amount of maintenance deposited by the Respondent-Husband before the Family Court as per order dated 24 January 2020 passed by this Court towards arrears of maintenance. In pursuance of the said order the Respondent-Husband has deposited an amount of Rs.5 Lakhs.

2. The Application is opposed on behalf of the Respondent-Husband on the ground that the Applicant-Wife has already withdrawn the maintenance of Rs.3,75,000/- and she is an Australian citizen and has sufficient means to maintain herself.

3. I have considered the submissions made. The challenge at the instance of the Respondent-Husband in Writ Petition No.541 of 2020 is to the order of interim maintenance, the contention raised on behalf of the Respondent-Husband can be examined when the Writ Petition is taken up for admission/hearing.

4. For the present, it is undisputed that the amount of Rs.5 Lakhs deposited towards arrears of maintenance in pursuance of the order dated 24 January 2020 that is more than 2 and ½ years, lying before the learned Family Court.

5. Thus, the Interim Application is allowed. The Family Court shall permit the Applicant-Wife to withdraw the amount deposited by the Respondent-Husband along with interest, if any.

**C.V. BHADANG, J.**