

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18030 OF 2022
WITH
WRIT PETITION NO.7039 OF 2022

NILAM
SANTOSH
KAMBLE

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Date: 2022.12.21
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Sou.Vanita Kailas Patil

...Applicant

IN THE MATTER BETWEEN

Mr.Kailas Vitthal Patil

...Petitioner

Versus

Sou.Vanita Kailas Patil

...Respondent

Mr.Kuldeep U. Nikam for the Applicant/Respondent.

Mr.Umesh R. Mankapure, for the Petitioner.

CORAM : S.G. DIGE, J.

DATE : 20 DECEMBER 2022

P.C:-

. Heard learned counsel for the Applicant and the learned counsel for the Respondent.

2. The learned counsel for the Applicant submit that the Respondent has deposited arrears of maintenance amount before this Court, hence, Applicant be permitted to withdraw said amount as Applicant is taking care of two minor children. She requires the amount for paying education fees of two children as well as for maintaining them.

3. The learned counsel for the Respondent strongly objected to allow the Application on the ground that the Applicant is teacher, she earns handsome salary. She is mother of two children. She has responsibility to maintain the children. But his fact is not considered by the Trial Court while granting maintenance. The said order is impugned by the Respondent before this Court, hence, requested to dismiss the Application.

4. I have heard both the counsel.

5. The learned Trial Court has granted Rs.10,000/- each to both the children as maintenance. The Applicant and Respondent are teachers. The Respondent has deposited arrears of maintenance and the Applicant is required amount for paying Education fees of Children, hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 50% amount along with accrued interest thereon out of the deposited amount.

(S.G. DIGE, J.)