

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 1423 OF 2022
IN
FIRST APPEAL NO. 23 OF 2022

Pravin S/o. Balkrushna Nagarnaik

...**VERSUS**...

Smt. Pushpabai Wd/o. Dattatraya Navale

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mrs. Sangeeta S. Jachak (Gaikee), Advocate for appellant/applicant.
Shri S.P.Pawar, Advocate for respondent.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 27th JULY, 2022.

The present application is filed for modification of order dated 18/04/2022. By this order, this Court had directed the appellant/applicant to deposit the entire decretal amount in this Court within a period of twelve weeks from the date of passing of order and subject to that condition, this Court had granted stay during the pendency of the appeal.

2. It is submitted by the appellant/applicant that the wife of appellant is handicapped having 50% disability and suffering from heart disease and therefore, she requires regular medical treatment and regular follow-up. The son of appellant is about 12 years of age and he is also suffering from heart disease and he has undergone bypass surgery.

3. It is further submitted that there is a deduction of Rs. 50,000/- p.m. towards different loan EMI from gross salary of Rs. 60,000/-. However, there is no supporting document placed on record.

4. It cannot be overlooked that the respondent is a poor widow of 54 years old, having no any source of income and she has lost her son aged about 20 years old in the accident in the year 2013 and since then, she is without source of income and has not received any amount excepting the amount of No Fault Liability. In the interest of justice, it would be appropriate to direct the appellant to deposit 50% of decretal amount excluding the amount of No Fault Liability along with the accrued interest within a period of four weeks, on failure thereof, the stay granted earlier shall stand vacated.

5. Accordingly, the application is disposed of.

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List the matter on 29/08/2022 for final hearing.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar