

Sushma

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2497 OF 2023
IN
SECOND APPEAL STAMP NO. 31911 OF 2018

Balasaheb Wamanrao Naik – Gaikwad ... Appellant

Versus

Mandakani Balasaheb Naik – Gaikwad ... Respondent

...
Mr. P.S. Pawar – Advocate for Appellant

....

CORAM : GAURI GODSE, J.

DATE : 03rd March, 2023

PER COURT :

1. This Civil Application is filed for condonation of delay in filing the Second Appeal.
2. Learned Advocate for the applicant states that there is delay of 124 days in filing the Second Appeal. The order impugned in the Second Appeal is directing the appellant to pay an amount of Rs. 5,000/- per month to the respondent towards maintenance from the date of presentation of the suit.
3. Learned Advocate for the applicant states that the amount of maintenance to be paid as per the impugned order would be around Rs. 8 Lakhs. He further, on instructions, states that the

applicant till now have deposited an amount of Rs. 2 Lakhs. He states that the respondent is not in a sound financial condition and therefore, he is not able to pay the amount as directed by the impugned order. Applicant is present in the Court.

4. Learned Advocate states that the applicant will deposit an amount of Rs. 1 Lakh in the execution proceedings within a period of one month from today. He further, on instructions, states that the balance amount of arrears will be deposited by the applicant maximum within a period of four months from today. Learned Advocate further also states that an amount of Rs. 10,000/- in addition to the amount of arrears of maintenance will be deposited in the executing Court towards costs. The statements made on behalf of applicant are accepted.
5. Subject to the applicant depositing an amount of Rs. 10,000/-, towards costs in the executing Court within a period of one week from today, office to issue notice to respondent, returnable on 28th April, 2023.
6. The applicant shall place on record the receipt of deposit of costs of Rs. 10,000/-. On production of the receipt of payment of costs, office will issue notice to the respondent. If the amount of costs is not paid, the application will stand dismissed without

further reference to the Court.

7. Respondent is permitted to withdraw the amount of costs that will be deposited by the applicants in the execution proceedings.

[GAURI GODSE, J.]