

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9496 OF 2021**

Dhananjay Arvind Pisal	...Petitioner
<i>Versus</i>	
Rajashree Dhananjay Pisal @ Rajashree Dinkar Patil	...Respondent

**WITH
INTERIM APPLICATION NO. 17259 OF 2022
WITH
INTERIM APPLICATION NO. 18223 OF 2022
WITH
INTERIM APPLICATION NO. 17259 OF 2022
IN
WRIT PETITION NO. 9496 OF 2021**

Rajashree Dhananjay Pisal @ Rajashree Dinkar Patil	...Applicant
<i>In the matter between</i>	
Dhananjay Arvind Pisal	...Petitioner
<i>Versus</i>	
Rajashree Dhananjay Pisal @ Rajashree Dinkar Patil	...Respondent

**Ms Sonali Chauhan, for the Petitioner.
Mr Ajinkya Udane, i/b Hitesh P Shah, for the Respondent.**

CORAM: Neela Gokhale, J.

DATED: 21st April 2023

PC:-

1. Ms Sonali Chavan learned Counsel appears for the Petitioner. Mr Ajinkya Udane appears for the Respondent.

2. The Petitioner has challenged the order dated 10th November 2021 passed by the learned Civil Judge Senior Judge, Pune below Exhibit 24. According to her the warrant in Special Darkhast No.139 of 2019 was issued for non compliance of the decree dated 25th October 2018 passed by the learned Civil Judge Senior Division, Pune in Marriage Petition No. 820 of 2017 (Exhibit 80).

3. In pursuance of Part-B of the consent decree, the Petitioner husband was to pay an amount of Rs.21,00,000/- as full and final settlement towards daughter Ishwari's expenses. The said amount was to be paid in the following manner:

(1) Rs.10,00,000/- was to be deposited in a Fixed Deposit in two instalments by 30th December 2018 and 30th June 2019.

(2) Rs.5,00,000/- was to be invested in another investment plan by 30th December 2019 also for daughter Ishwari.

(3) Rs.6,00,000/- was to be transferred as NEFT or by cheque to the wife's account by 30th December 2018.

4. It is admitted by both the parties that as per the consent decree, prefixed deposit has been made in the name of daughter Ishwari. Details of the Fixed Deposits are as under:

Sr. No.	Amount (Rs.)	Name	D.D./F.D. Number	Date	13B (M.P. 820/2017)
1	5,00,000/-	The Registrar, High Court, A.S., Mumbai	DD-'008925	23-05-2022	Part-B, Para 2(a)
2	1,00,000/-	The Registrar, High Court, A.S., Mumbai	DD-'006898	12-08-2022	Part-B, Para 2(a)
3	5,00,000/-	Eshwari Dhananjay Pisal	FD-'057013 053696	29-07-2022	Part-B, Para 2(b)
4	5,00,000/-	Eshwari Dhananjay Pisal	FD-'057013 054146	12-08-2022	Part-B, Para 2(b)
5	5,00,000/-	Eshwari Dhananjay Pisal	FD-'057013 054145	12-08-2022	Part-B, Para 2(c)
	21,00,000/-	Total (Rs.)			

5. Since the amount of Rs.6,00,000/- which was to be given to the wife by bank transfer remains deposited in this Court, the Respondent wife is permitted to withdraw the said amount towards satisfaction of the consent decree. The Petitioner husband has no objection for the same.

6. It is stated on behalf of wife that she is desirous of travelling abroad for employment opportunity and hence also wishes to take minor daughter Ishwari along with her. She is at liberty to move the Court of competent jurisdiction for the said relief.

7. As per the impugned order, additional amount of Rs.6,00,000/- was also due to the wife in lieu of some ornaments. Mr Udane learned Counsel for Respondent wife on instructions states that she is ready to give up the said amount of Rs.6,00,000/- towards the maintenance amount.

8. There is a request on behalf of wife regarding transfer of the Fixed Deposits be in the name of the daughter under guardianship of the wife, so that it may be convenient for her to withdraw any amounts should the need arise for emergency expenditure for the daughter. Ms Sonali seeks time to take instructions from the Petitioner husband whether he is ready to allow this request or in the alternative if he is ready to permit the Petitioner wife to withdraw any amount from the Fixed Deposit amount in case of any emergency requirement for the daughter subject to the wife informing him regarding the emergency.

9. List the mater on 3rd May 2023.

(Neela Gokhale, J)

RAJU
DATTATRAYA
GAIKWAD
Digitally
signed by RAJU
DATTATRAYA
GAIKWAD
Date:
2023.04.24
10:24:00
+0530