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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION No. 1840 of 2022

IN

FAMILY COURT APPEAL No. 23 OF 2022

Satyajit Abasaheb Jagdale

..Applicant

Vs.

Trupti Satyajit Jagdale

..Respondent

Ms. Smita Gaidhani a/s. Mr. Ranjit Bhonsale and Mr. Kedar Purav -
Advocate for the Applicant/Appellant

Mr. Abhijeet D. Sarwate a/w. Mr. Rahul Pardeshi, Advocate for
Respondent in FCA/IA

**CORAM:- R.D. DHANUKA &
M.M. SATHAYE, JJ.**

DATE :- 10TH FEBRUARY, 2023.

P. C.:

1. By this Interim Application, the Applicant-husband seeks stay to the operation, implementation and execution of the impugned judgment, decree and order dated 26th August, 2021 passed by the Judge Family Court in Petition No. 549 of 2014 and for an injunction, restraining from parting with possession, dealing with and/or creating third party rights in

respect of the flat being Flat No. 404, Nancy Lake Homes Co-operative Housing Society, Katraj, Pune -43

2. We have perused the separate order dated 19th July, 2021 passed by the Family Court Pune. We have perused the impugned decree dated 26th August, 2021. The Applicant seeks stay of the operation, implementation and execution of the impugned order [page 106 (3) and (4)]. So far as implementation of the order on page 106(4) is concerned, the stay is granted on the condition that the Applicant deposits Rs.9,65,706/- in this Court within six weeks from today towards reimbursement of his share of housing loan and furniture loan, paid by the Respondent-wife. The deposit of the said amount shall be communicated to the learned counsel for the Respondent.

3. It is made clear that if the amount is not deposited within stipulated time, the stay granted by this Court in respect of order passed by the Family Court at Page106(4) shall stand vacated without further reference to this Court. In view of the fact that the Applicant-husband is directed to pay the said amount to the Respondent wife towards reimbursement of his share of housing loan and furniture

loan paid by the Respondent-wife and since we have directed the Applicant-husband to deposit the amount and it is an admitted position that the husband and wife both have equal share in the said flat, we direct the Respondent not to create any third party right, sell or alienate the said flat during pendency of this appeal.

2. Interim Application is disposed of. No order as to costs.

(M.M. SATHAYE, J.)

(R.D.DHANUKA, J.)