



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**946 CIVIL APPLICATION NO. 4685 OF 2024
IN WP/15730/2023**

POOJA BALAJI SHINDE

VERSUS

ANANTRAM SHAHAJIRAO SHINDE AND OTHERS

...

Advocate for Applicant : Mr. Shinde Manoj Dharmaraj

Advocate for Petitioner in WP : Mr. R. P. Adgaonkar

...

WITH

WRIT PETITION NO. 15730 OF 2023

....

CORAM : ARUN R. PEDNEKER, J.

Dated : May 07, 2024

PER COURT :-

1. Heard the learned Advocate for the parties.
2. Civil Application No.4685/2024 is filed for withdrawal of maintenance amount of Rs.4,62,000/- deposited by the respondent before the Executing Court in Regular Darkhast No.09/2018.
3. In Regular Civil Suit No.403/2016, the respondents are directed to pay Rs.6000/- per month maintenance to the plaintiffs. However, from 2017 till execution proceeding, no amount is deposited. Thereafter, against the said decree passed on 10/10/2017, an appeal is preferred on 08/11/2023 i.e. after the period of six years. There is absolutely no maintenance paid by the respondents.
4. The learned Advocate appearing for the writ petitioner objects to the application for withdrawal of the amount filed by the applicant/plaintiff.
5. However, the appeal is filed by the writ petitioner on 08/11/2023 and appeal is belated by six years and the maintenance amount is deposited

only after the execution proceedings were initiated against the house property that he has filed the appeal. Since the amount relates to the maintenance and meager amount of Rs.6000/- is granted to the wife and children of the deceased, it would be appropriate for this Court to allow the applicant to withdraw 75 % of the deposited amount.

6. In view of the same, the applicant is permitted to withdraw 75 % of the amount deposited before the Executing Court in Regular Darkhast No.09/2018.

7. With observations as above, the application is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.