



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) NO.194/2024

IN

FAMILY COURT APPEAL NO.23/2022

Ravindra S/o. Sadashiv Lahane

Vs.

Sau. Manisha W/o. Ravindra Lahane

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

Court's or Judge's orders

Mr. V. G. Bhamburkar, Advocate for Appellant.

Mr. S. A. Mohta, Advocate for Respondent.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.

DATED : 14/02/2024.

. Heard.

2. This is an application of respondent – wife seeking withdrawal of amount of Rs.9,00,000/- which has been deposited by the appellant – husband in pursuance of the order of this Court dated 17.11.2022. Initially, both husband and wife have applied for grant of decree of divorce on the ground of cruelty. Family Court allowed the wife's petition whilst husband's petition was dismissed. In consequence, the marriage was dissolved by decree of divorce dated 01.12.2021. The Family Court has also directed the husband to pay sum of Rs.18,00,000/- to the wife in terms of Section 27 of the Hindu Marriage Act, 1955. Being aggrieved, the husband has come up in appeal.

3. The wife has applied for release of sum of Rs.9,00,000/- which has been deposited by the husband in pursuance of the decree dated 01.12.2021. The husband objected for withdrawal on the premise that wife has suppressed that she has remarried after divorce. According

to the husband, the reason canvassed by the wife for withdrawal is not genuine, hence, she shall not be allowed for withdrawal of the amount.

4. Since the Trial Court has directed to pay the sum to the wife, to our mind she need not show the reasons to this Court why she requires the amount as it is a decree of Court. This Court has initially passed conditional order to deposit half of the decretal amount i.e. sum of Rs.9,00,000/- which has been deposited. Obviously, the amount was meant for wife's utilization. In the circumstances, we do not see any reason to withhold the amount with this Court.

5. In view of the above, the application is allowed. The respondent – wife is permitted to withdraw the amount on condition that she shall give undertaking that withdrawal would be subject to the final outcome of the appeal.

6. Learned Counsel for the respondent-wife would submit that the Registry be directed to transfer the amount to the Family Court of Akola to ease the wife for withdrawal since she is living at Akola.

7. We direct the Registry to transfer the amount with accrued interest, if any, accordingly to facilitate the wife for withdrawal.

8. The application stands disposed of accordingly

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)