



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

CIVIL APPLICATION (CAO) NO. 1358 OF 2023
IN
FAMILY COURT APPEAL NO. 27 OF 2022

Sau. Ritu w/o Pankaj Manwani

Vs.

Pankaj S/o Rameshlal Manwani

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sahil S. Dewani, Advocate for applicant.

Mr. J.B. Gandhi, Advocate for respondent.

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

DATE : 02.02.2024

Heard.

2. This is an application of the wife seeking permission for withdrawal of sum of Rs.5,00,000/- (Rs. Five Lakhs only) deposited by the husband towards permanent alimony as directed by Family Court vide order dated 06.05.2022. The other side objected on the ground that the wife is not complying with the rest part of the Family Court order pertaining to providing access as stated therein.

3. Initially, husband has filed a restitution petition whilst the wife made a counter claim seeking a decree of divorce. The Family Court by rejecting the husband's restitution application has passed a decree of divorce. Besides that Family Court has granted limited access to the husband as specified therein. Moreover, the husband was directed to pay permanent alimony of Rs.5,00,000/- (Rs. Five Lakhs Only) to the wife.

4. Being aggrieved by the part of the family Court order i.e. decree of divorce an arrangement made for access. The husband has preferred this appeal. Learned counsel for the husband conceded that they have not challenged the quantum of alimony in this appeal.

5. The resistance is on the ground that stay application and visitation applications are still pending. Since there is no challenge to the aspect of permanent alimony, those applications would be dealt independently. In view of that, considering the very purpose of granting alimony, we don't see any reason to preclude the wife from getting the amount of alimony.

6. In view of above, the application is allowed.

7. The Registry is directed to disburse the amount of permanent alimony to the wife.

JUDGE

JUDGE