

(2012) 12 KAR CK 0056

In the Karnataka High Court

Case No : Writ Petition No. 82309 of 2009 (GM-FC)

Mallikarjun Hojin

APPELLANT

Vs

Smt. Kanyakumari

RESPONDENT

Date of Decision : 04-12-2012

Acts Referred:

Citation : (2012) 12 KAR CK 0056

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : Ameet Kumar Deshpande, for the Appellant; S.G. Math, for the Respondent

Judgement

S. Abdul Nazeer

1. I have heard Sri. Ameet Kumar Deshpande, learned Advocate for the petitioner and Sri. S.G. Math, learned Advocate for the respondent. This writ petition is directed against the order on I.A. No. 5 in CrI.Misc. No. 110/2008 dated 27.06.2009, on the file of the Family Court, Raichur.

2. On 01.09.2009, this Court while issuing notice to the respondent has directed the petitioner to deposit a sum of Rs. 15,000/- within four weeks from the date of the said order and to continue to deposit on or before 10th of every month Rs. 750/-. It is not in dispute that the petitioner has deposited a sum of Rs. 15,000/- before this Court. He has also deposited Rs. 750/- per month as directed by this Court.

3. Learned counsel for the petitioner has filed a memo dated 01.10.2012, stating that the respondent herein has withdrawn CrI.Misc. No. 110/2008 on 03.09.2012. He has produced copy of the order sheet of the said date. Learned counsel for the respondent does not dispute the same.

4. In view of withdrawal of CrI.Misc. No. 110/2008, this writ petition does not survive for consideration. It is accordingly dismissed. Since CrI.Misc. No.

110/2008 itself has been dismissed as withdrawn, the interim order granted on I.A. No. 5 does not survive for consideration. Therefore, the said order is hereby recalled. Having regard to the facts and circumstances of this case, I am of the view that the respondent should be permitted to withdraw the amount in deposit in this Court. Therefore, Registry is directed to refund the amount in deposit to the respondent herein (Smt. Kanyakumari) in a sum of Rs. 15,000/- and subsequent deposits made pursuant to the order dated 01.09.2009. No costs.