

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO. 121/2014

(ADWAIT MOHAN DESHKAR & ANOTHER **VERSUS** DR.MOHAN MADHUKAR DESHKAR)
 WITH

CONTEMPT PETITION NO. 31/2015

(DR.MOHAN MADHUKAR DESHKAR **VERSUS** SAU.MANISHA MOHAN DESHKAR)

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

Court's or Judge's orders

Shri A.L. Deshpande, counsel for the petitioners in CP 121/2014 and for respondent in CP No.31/2015.

Shri S.V. Sohoni, counsel for the respondent in CP 121/2014 and for petitioner in CP No.31/2015..

CORAM : B.R. GAVAI AND
MRS. MRIDULA BHATKAR, JJ.

DATE : FEBRUARY 27, 2015.

Both these contempt petitions arise out of a family dispute. Contempt Petition No.121 of 2014 is filed by Adwait and Atharva, who are the sons of Dr.Mohan and Mrs. Manisha Deshkar, the respondent nos.1 and 2 herein. The other contempt petition, i.e. Contempt Petition no.31 of 2015 is filed by Dr.Mohan against Manisha alleging therein that she has failed to abide by certain terms and conditions of the order dated 11.04.2011 in First Appeal No.254 of 2010.

The parties in the present proceedings are referred to as they are impleaded in Contempt Petition No.121 of 2014. The respondent nos.1 and 2 were married to each other. However, the matrimonial dispute started between them and as such the petition for divorce was filed by the respondent no.1 but, the same was dismissed. As such, an appeal came to be preferred before this Court. During the pendency of the appeal, the matter was referred to mediation. The mediation was successful and as such, the terms were

settled between the parties on 02.09.2010. This Court vide an order dated 11.04.2011 disposed of the appeal in terms of the settlement.

As per the said terms of settlement, the respondent no.1-Dr.Mohan had agreed to take the entire responsibility of the petitioners regarding their education. As to the said term of settlement, the respondent no.2-Mrs.Manisha was required to give her full cooperation to Dr.Mohan for disposing off the proceedings initiated by her under Section 498-A and other sections of the Indian Penal Code.

Contempt Petition No.121 of 2014 has been filed by the sons of the respondents contending that the respondent no.1-Dr.Mohan has not provided them their education and as such committed contempt of the order dated 11.04.2011. Contempt Petition No.31 of 2014 has been filed by Dr. Mohan contending therein that Manisha had not given an end to the criminal proceedings, as agreed by her.

Upon issuance of notice, the respondents put in their appearance. It has been now agreed between the parties that the entire dispute between them should be given an end to, and a final settlement should be arrived between all of them.

The petitioner no.1-Adwait Mohan Deshkar, the Natural Guardian of the petitioners-Anand S. Upasani, i.e. their Grandfather, the respondent no.1-Dr.Mohan Deshkar and the Respondent no.2-Mrs. Manisha Deshkar are personally present in the Court and they reiterate the terms of the settlement.

As per the settlement, it has been agreed that an amount of Rs.20,00,000/- (Rupees Twenty Lacs only) would be paid towards one time full and final settlement of the petitioners towards their educational expenses, etc. The respondent no.2

has also given her 'No Objection' for the said settlement. It has further been agreed that neither the petitioners nor the respondent no.2 will claim any right, title or interest in the self acquired property of the respondent no.1-Dr.Mohan. The schedule of payment of an amount of Rs.20,00,000/- (Rupees Twenty Lacs only) is given in Consent Term No. 5. It has been agreed that an amount of Rs.1,00,000/- (Rupees One Lac only) which is already deposited in the present proceedings shall be adjusted in the said amount of Rs.20,00,000/- (Rupees Twenty Lacs only). The installments and the dates on which each of the installment, so as to make payment of Rs.19,00,000/- (Rupees Nineteen Lacs only) has been specifically given. It has further been agreed that on account of default of any installment, contempt petition will stand revived. It has been further agreed that an end should be given to all the criminal proceedings pending between the parties.

The Consent Terms are taken on record and marked as Exhibit 'X' for identification. Both the contempt petitions are disposed of in terms of the consent terms at Exhibit 'X'. The consent terms are duly signed by the petitioner no.1, Next Friend/Guardian of the petitioners, i.e. their Grandfather, and the respondents. The undertakings in the consent terms are taken as an undertaking to this Court. Since the parties have decided to give an end to all the proceedings between them, we find that this is a fit case to invoke inherent jurisdiction of this Court.

In that view of the matter, the criminal case no.2600289/05 pending before the learned Judicial Magistrate First Class, Wadgaon, District Pune stands quashed and set aside. The Criminal Revision Application No.47 of 2010 which is pending before this Court also stands disposed of as withdrawn.

Order accordingly. No costs.

JUDGE

JUDGE

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