

Harsh Gopal Khandelwal
through Constituted Attorney Mr.Gopal .. Applicant
Goverdhanlal Gupta (Ori. Petitioner)
V/s
Mrs. Aarti Harsh Khandelwal @ Aarti Agrawal .. Respondent

Mr. G.G. Gupta, C.A. of the petitioner in person.
Mr. Vishal Thakar with Ms. Anjali A. Trivedi for the respondent.

CORAM: D.H. WAGHELA, CJ.

DATE : 10th JUNE 2016

P.C.:

The civil application is filed by the original petitioner with the prayer to permit withdrawal of Writ Petition No. 1093 of 2015 on the basis that the main petition for transfer of the case pending before the Family Court, Bandra, has become infructuous.

2. The learned counsel Mr. Vishal Thakar is present for the respondent and expresses no objection to disposal of the civil application and the writ petition, without prejudice to the rights and contentions of the parties.

3. Since the father of the original petitioner, who has filed the civil application as holder of Power of Attorney for the original petitioner and being personally present, has requested that as the original petitioner and the respondent are husband and wife and both are willing to settle their family disputes amicably on agreed terms, they may be advised to meet at an agreed place at the appointed time so as to negotiate the terms of an amicable settlement. He submitted that if an assurance is given that no quarrel or further proceeding would arise out of the proposed meeting of the parties, the original petitioner would personally and especially come to Mumbai on such date as may be agreed by learned counsel for the respondent and then the parties may meet at the appointed time and agreed place so as to carry out the negotiation so as to amicably settle all the disputes amongst the parties. He has agreed that such meeting may be held within a period of one month and learned counsel for the respondent has assured that if and when such negotiation takes place between the parties, no further complication would arise by way of allegations or new proceedings.

4. Therefore, it is recorded herein that the parties will personally meet within one month at the agreed time and place as mentioned hereinabove and within that period of one month or on the basis of the meeting, no precipitate action shall be taken by either of the parties and the parties shall in all sincerity try to arrive

at an agreed settlement. However, in case of failure of negotiation, the parties will be at liberty to proceed in accordance with law in the matter pending before any Court and may initiate such action as may be advised.

5. Recording the above statements and agreement, the civil application as well as the writ petition are disposed with no order as to costs.

(CHIEF JUSTICE)