

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4515 OF 2015

Mr. Sanjay Chandrakant Salagare

..Petitioner

v/s.

Smt. Seema Chandrakant Salagare & Ors.

..Respondents

Mr. Amit Kate for the Petitioner.

Mr. Ashok Kumar Prajapati a/w. Omprakash Goswami for the
Respondent nos.1 to 3.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : SEPTEMBER 27, 2017.**

P.C.

1. The respondent no.1 is the mother of the petitioner and the respondent nos.2 and 3. The respondent no.1 had filed Petition No.E-41 of 2014 before the Family Court No.6 at Bandra, Mumbai, seeking maintenance from the petitioner herein. By the impugned Order dated 10th February, 2015 the learned Judge of the Family Court allowed the application for interim maintenance and directed the petitioner herein to pay to the respondent no.1 sum of Rs.7000/- per month towards interim maintenance from the date of the application, i.e. from 15th January, 2014. Being aggrieved by the said order, the petitioner has filed this petition.

2. By Order dated 10th September, 2015 this Court had granted

ad-interim relief in terms of prayer clause (b) subject to the petitioner paying to the respondent no.1 sum of Rs.30,000/- on or before 20th September, 2015. By Order dated 20th July, 2016 the said ad-interim order was continued on condition that the petitioner pays to the respondent no.1 a sum of Rs.2000/- per month.

3. The learned Counsel for the petitioner submits that he has deposited Rs.30,000/- as per the order dated 10th September, 2017 and that he has been paying the maintenance of Rs.2000/- per month in compliance of the order dated 20th July, 2016. The said statement is admitted by the Counsel for the respondent no.1.

4. During pendency of this proceeding the two other sons of the respondent no.1 have been implied as respondent nos.2 and 3. In the course of hearing, Mr. Kate and Mr.Prajapati, the learned Counsels for the petitioner as well as the respondents have submitted that the parties have arrived at settlement. The learned Counsels for the petitioner and the respondents have stated that they have been instructed by the petitioner and the respondents respectively to make following statements/undertakings on their behalf :

- i) The respondent no.1 will open an account in any Nationalized bank in her name on or before 7th October, 2017;
- ii) The respondent no.1 shall give the account number

and the RTGS details to the petitioner and the respondent nos.2 and 3 within four days from the date of opening of the account;

lii) The petitioner as well as the respondent nos.2 and 3, shall deposit Rs.7000/- per month each in the account of the respondent no.1 on or before 20th day of every month till the lifetime of the respondent no.1;

iv) The respondent no.2 Mr. Abhay Salagare, who is a Government employee has agreed to bear the medical expenses of the respondent no.1 to the extent of the reimbursement of the medical expenses by the Government;

v) The petitioner and the respondent nos.2 and 3 have agreed that the medical expenses not reimbursed by the Government or the Medical expenses which are over and above the amount reimbursed by the Government, shall be borne by the Petitioner and the respondent no.2 and 3 equally;

vi) The respondent no.1 waives the arrears of maintenance payable by the petitioner, excluding the amount deposited as per the Order dated 20th July, 2017 passed by this Court;

vi) The respondent no.1 will not raise any other claim against the petitioner in respect of the arrears or maintenance;

vii) The respondent no.1 on the basis of the abovesaid terms shall withdraw the petition No.E-41 of 2014 as well as the application for payment of arrears pending before the Family Court at Bandra, within 15 days.

viii) The respondent no.1 shall furnish copies of the bank statement to the petitioner and the respondent nos.2 and 3 by the end of every year.

5. The learned Counsel for the petitioner and the respondents submit that the present petition may be disposed of in view of the settlement arrived between the parties as per the above terms.

6. The statements made by the petitioner and the respondents in para 4 are accepted as undertaking given to the Court. The parties to comply with the undertaking given to the Court.

7. The petition is disposed of in view of the above terms.

(ANUJA PRABHUDESSAI, J.)