

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

WRIT PETITION NO. 10872 OF 2017

Mr.Dinesh Kumar Chandel ...Petitioner
Versus
Ms.Aditi Dinesh Chandel ...Respondent

Mr.R.D. Soni, Senior Advocate a/w Mr.V.R. Kasle i/by Ram & Company for the Petitioner.

Mr.Abhijit Dilip Sarwate for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 06th DECEMBER 2017

P.C.

1. After this matter was heard for some time the learned counsel for the parties, on the basis of the instructions from the parties, submit that this petition can be disposed of with the following agreed order:-

ORDER

(i) The impugned orders dated 30-06-2017 and 22-05-2017 below Exhibits 24 and 59 respectively are hereby set aside and the Trial Court, is directed to reconsider the two exhibits fresh on their own merits and in accordance with law.

(ii) The parties, are at liberty to file fresh documents in

support of their case if they so desire and the Family Court is directed to dispose of the two applications as expeditiously as possible and in any case within a period of three months from today, without being influenced by the earlier orders which in any case, are now set aside.

(iii) The petitioner, without prejudice, shall pay an amount of Rs.20,000/- towards maintenance of the daughter and Rs.10,000/- towards maintenance of the wife till the disposal of the two applications at Exhibits 24 and 59. In addition, the petitioner, shall bear the school expenses as well.

(iv) The petitioner shall deposit the entire arrears in the Family Court as per order dated 30-06-2017 below Exhibit 24 within a period of eight weeks from today. This is notwithstanding the circumstance that the order dated 30-06-2017 is now set aside.

(v) The petitioner shall be entitled to a set off or adjustment, in case, the interim maintenance determined by the Family Court is less than what was determined in the order dated 30-06-2017.

(vi) The present arrangement is clearly without prejudice to the rights of the parties and shall be subject to the decision of the Family Court on the two applications at Exhibits 24 and 59.

(vii) The arrears in terms of the order dated 30-06-2017 be deposited by the petitioner before the Family Court within a period of eight weeks from today.

(viii) It is made clear that in case the arrears are not deposited within eight weeks from today, the Family Court, need not rehear the applications at Exhibits 24 and 59 because, in such a circumstance, this petition shall be deemed to have been dismissed without any further reference to this Court.

(ix) It is made clear that this Court had not adverted to the merits of the matter and therefore, the Family Court, to decide the two applications on their own merits and in accordance with law.

2. This petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)