

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON**

**NOTICE OF MOTION NO.2630 OF 2012
IN
SUIT NO.107 OF 2010**

Farida Ahmed W/o. Shahnawaz Ahmed & Ors.Applicants/
Plaintiffs

V/s.

Mutiur Rehman S/o. Nuashad Ali Wahid Alia & Ors.Defendants

Ms. Eventa A. Gonsalves for the applicants/plaintiffs.

Mr. B.K. Bali i/b. M/s. Bali and Associates for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 9th JANUARY, 2017**

P.C.:-

1 Mr. Bali, counsel appearing for the defendants states that preliminary decree in terms of prayer clauses – (a) and (b) can be granted.

2 In view of the above, the notice of motion is allowed and accordingly disposed in terms of prayer clauses – (a) and (b).

3 Ms. Gonsalves, counsel for the plaintiffs and Mr. Bali, counsel for the defendants state that their respective clients are ready and willing to go for mediation since it is a family dispute. Both the counsel state that Advocate Mr. Vishal V. Kanade be appointed as Mediator.

4 Mr. Vishal V. Kanade is appointed as Mediator to mediate on all the disputes inter se between the parties. The fees and administrative expenses of the Mediator to be shared equally between the parties, i.e., 50% by the plaintiffs and 50% by the defendants. The Mediator is requested to complete mediation process and submit his report on or before 28th February, 2017.

5 Ms. Gonsalves, counsel for the plaintiffs states that all the defendants except defendant no.6 have filed written statement. Mr. Bali, counsel for the defendants states that he will take instructions and if defendant no.6 wishes to file the written statement, he will file the written statement and serve a copy thereof upon the plaintiffs within two weeks from today.

6 The suit be listed for issues on 21st February, 2017. In the meanwhile parties to file their respective affidavit of documents, complete discovery and inspection and also file and exchange their statement of admission and denial with reasons for denial.

7 Though the parties have been referred to mediation, the parties are directed to strictly comply with the directions passed above

so that if the mediation fails for any reason, the progress of the suit does not get delayed.

(K.R.SHRIRAM,J)