

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.328 OF 2015
IN
FAMILY COURT APPEAL NO.192 OF 2015

Shri Rajendra Vitthal Tayade	Applicant/Appellant
V/s.	
Mrs. Usha Rajendra Tayade	Respondent

Mr. P.N.Wagh, Advocate for Applicant/Appellant.
Mr. T.N.Sonawane, Advocate for Respondent.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 19TH JANUARY, 2018.

RC. :-

The above Civil Application has been filed seeking stay of the order dated 22.6.2015 passed by the learned Judge of the Family Court thereby allowing the Petition No.A-210 of 2013 filed for restoration of the conjugal rights by the Respondent-Wife. The above Appeal has been admitted on 30.3.2016.

2 In so far as the above Civil Application is concerned, the same had come up before the Division Bench of this Court on 11.8.2017 when the parties had consented to go for mediation. However, the Mediator who is the learned District Judge-4, Nashik Mr. R.R.Vaishnav has submitted his failure report. It seems that the

husband and wife have an acrimonious relationship which is also admitted by the learned counsel appearing for the Respondent Shri Sonawane. It appears that wife has filed as many as 5 proceedings against the Appellant/Husband in various foras. Hence, though normally a decree for restitution of conjugal rights should not be stayed, we are of the view that in the peculiar facts and circumstances of the case, the said decree would have to be stayed. Hence, there would have to be interim reliefs in terms of prayer clause (a) of the Civil Application. It is, however, clarified that the grant of stay would not create any right in the parties.

3 It is clarified that in so far as part of the order which grants maintenance, same is not stayed.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)