

Rane

* 1/5 * CAM-214-2015 (GROUP) SR.14
Thursday, 15.2.2018

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 304 OF 2016
IN
FAMILY COURT APPEAL NO. 28 OF 2015

Mrs. Vaishali Chetan GosarApplicant

V/s.

Mr. Chetan GosarRespondent

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Mr. H.B. Takke, Advocate for the applicant-wife.

Mr. Sugandh Deshmukh i/by. Ms. Vidya V. Gaikwad,
Advocate for the respondent-husband.

ALONGWITH
CIVIL APPLICATION NO. 46 OF 2015
IN
FAMILY COURT APPEAL NO. 28 OF 2015

Mrs. Vaishali Chetan GosarApplicant

V/s.

Mr. Chetan GosarRespondent

ALONGWITH
CIVIL APPLICATION NO. 214 OF 2015
IN
FAMILY COURT APPEAL NO. 211 OF 2015

Mr. Chetan GosarApplicant

V/s.

Mrs. Vaishali Chetan GosarRespondent

Rane

* 2/5 * CAM-214-2015 (GROUP) SR.14
Thursday, 15.2.2018

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Mr. Sugandh Deshmukh i/by. Ms. Vidya Gaikwad,
Advocate for the applicant.

Mr. H.B. Takke, Advocate for the respondent.

CORAM :- **R.M.SAVANT, &**
 SANDEEP K. SHINDE, JJ.
DATE :- **15TH FEBRUARY, 2018.**

P.C. :-

1. The above Civil Application No. 214 of 2015 has been filed by the Appellant, husband for stay of the operation and execution of the judgment and decree dated 4th December, 2014 passed by the Learned Judge of the 4th Family Court, Bandra in Marriage Petition No. A-1095 of 2009 to the extent that it directs the Appellant/Applicant to provide the respondent alternate accommodation within the same vicinity or to provide rent till the disposal of the Appeal. The instant Civil Application has been filed in the above Family Court Appeal No. 211 of 2015. The said Family Court Appeal

has been admitted on 8th October, 2015. The above Civil Application, as well as, Civil Application No. 304 of 2016 filed by the respondent, wife are therefore pending hearing and final disposal as the parties were exploring the possibility of arriving at a workable arrangement pending the hearing and final disposal of the above Family Court Appeals. During the course of the hearing of the above Civil Applications, the Learned Counsel appearing for the Applicant/Appellant, Mr. Sugandh Deshmukh, on instructions submitted that, the appellant, husband has no objection if the wife continues to occupy the premises at Bhandup, which she has purchased, provided that she pays the maintenance charges of the Flat in question, to the Society. Upon this, the Learned Counsel, Mr. Takke appearing for the respondent, wife, on instructions of the respondent, wife who is personally present in Court would submit that the respondent, wife is agreeable to the said arrangement, pending the hearing and final disposal of the above Family Court Appeals. Hence, the above Civil Application No. 214 of 2015 can be conveniently disposed

of by issuing the following directions :-

(i) In view of the consensus reached between the parties, the respondent, wife would continue to occupy the premises i.e. Flat No.702, C-Wing, Swami Samarth Co-operative Housing Society, Datta Mandir Road, Bhandup (West), Mumbai-400 078 pending the hearing and final disposal of the above Family Court Appeals on the condition that the respondent, wife pays the maintenance charges to the Society from 1st March, 2018 onwards.

(ii) The applicant/appellant husband would be liable for payment of maintenance charges to the Society till 28th February, 2018.

(iii) The respondent, wife undertakes, not to deal with the Flat in question in whatsoever manner and further undertakes that, she would not claim any right in respect

of the said Flat.

(iv) The aforesaid arrangement would continue pending the hearing and final disposal of the above Family Court Appeals.

The above Civil Application No. 215 of 2015 to accordingly stand disposed of.

3. In view of the instant order, Civil Application No. 304 of 2016 for stay of the execution proceedings would not survive as the execution proceedings in view of the arrangement arrived at between the parties, which is recorded in the instant order for getting the Flat vacated would not survive. The said Civil Application No. 304 of 2016 to accordingly stand disposed of.

4. Civil Application No. 46 of 2015 filed by the respondent, wife for stay, would also not survive. The same is accordingly disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)