

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

CRIMINAL WRIT PETITION NO. 4209 OF 2016

Mr. Ninad Manohar Khatu ... Petitioner

Versus

Mrs. Ranjani Ninad Khatu & Anr. ... Respondents

Mr. Tejash Dande a/w Bharat Wadhane I/by Tejesh Dande & Associates
for Petitioner.

Mr. Y. Y. Dabke, APP for State.

Mrs. Ranjani N. Khatu – Respondent No.1 in-person.

CORAM : NITIN W. SAMBRE, J.

DATE : APRIL 11, 2018.

P.C. :

The learned Additional Chief Metropolitan Magistrate, Borivali, Mumbai by order dated 21st October 2015 and the Additional Sessions Judge, Mumbai by order dated 25th November 2016 awarded maintenance under the Protection of Women from Domestic Violence Act.

2. The court awarded Rs. 10,000/- per month to daughter. The court further directed the Petitioner – husband to deposit the installment payable to the Bank, as the husband and wife are joint owner of the flat which is occupied by the daughter and wife.

3. The learned Counsel for Petitioner – husband submits that looking to the earning source of income the payment of amount of Rs. 35,000/- is excess. He would suggest that let the flat be sold and the consideration thereof be distributed amongst the parties and the Respondent – wife and daughter can take care of themselves out of the said consideration.

4. From the record it depicts that Petitioner has not objected to the liability to pay maintenance to his daughter and also EMI to the extent of Rs. 12,500/-. The only objection is regarding the remaining amount of Rs. 12,500/- towards EMI, as Respondent – wife is co-owner with him. It is to be noted that no independent order is passed by the court in respect of the payment of maintenance in favour of the Respondent – wife except for payment of EMI. The fact remains that Respondent – wife along with minor daughter is residing in the said flat.

5. In the wake of above, in my opinion, the order does not warrant any interference. As such, the Writ Petition stands dismissed.

6. The Respondent – wife, who is personally present in the Court was interacted through the learned APP Ms. Sharmila Kaushik, through whom she has consented for mediation, as she is ready and willing to accept one time alimony.

7. In view thereof and upon agreement of the parties, learned Advocate Mr. S. G. Deshmukh is appointed as Mediator to explore the possibility of settlement between the parties.

8. Both the parties agree that they shall appear before the Mediator on 18th April 2018.

9. If the parties are arrived at any settlement, Court expects that Mediator to submit his report.

(NITIN W. SAMBRE, J.)