

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8129 OF 2019  
(Swati @ Gayatri w/o Sachin Gursudkar Vs. Sachin s/o Pandurang  
Gursudkar)

IN  
WRIT PETITION NO.14632 OF 2017

Mr.Shakil U.Shaikh h/f Mr.R.D.Biradar, Advocate for the applicant.  
Mr.A.A.Nimbalkar h/f Mr.S.S.Ambhore, Advocate for the respondent.

( CORAM : Ravindra V.Ghuge, J.)

DATE : 22/07/2019

PER COURT :

1. I have heard the submissions of the learned Advocates for the wife and the husband.

2. A peculiar case is brought forth by the applicant/wife vide this civil application. The order passed by this Court (Coram : V.K.Jadhav, J.) on 20/12/2017 in the writ petition reads as under :-  
*“Till the next date of hearing, the effect of the impugned order is hereby stayed on the condition that, the petitioner shall pay an amount of Rs.3,000/- (Rs. Three thousand) to respondent-wife.”*

3. Considering the above, this Court had specifically stayed the impugned order granting Rs.5,000/- as maintenance by directing the payment of Rs.3,000/-.

4. This petition is restricted to a challenge posed to the impugned order dated 08/12/2016 passed by the learned Court in HMP No.441/2016. This petition has nothing to do with the amount of maintenance @ Rs.6,000/- p.m. granted by another Court in another proceeding.

5. The grievance of the applicant/wife is that the respondent/husband has conveniently misconstrued the order of this Court, reproduced portion above, to mean that this Court has directed that the husband should pay only Rs.3,000/- as monthly maintenance to the wife and the other order of granting maintenance @ Rs.6,000/- per month is to be ignored.

6. The learned Advocate for the husband submits on instructions from his client present in the Court that he does not desire to carry this impression or canvass this impression. He would deposit all arrears of maintenance amount in this Court within 4 (four) weeks.

7. He further submits that this matter can be referred to a Mediator at the High Court level considering the fact that the husband is a Police Officer and the wife is a practicing Advocate.

8. Both the learned Advocates suggest the name of Mr.S.K.Kadam, learned Advocate and trained Mediator. As such, Mr.Kadam is appointed as a Mediator.

9. In view of the above, the civil application is disposed off. The petitioner/husband shall deposit all arrears of maintenance in 2 equal installments, first installment on or before 14/08/2019, second installment on or before 30/08/2019. in this Court. After the amounts are deposited, the respondent/wife is permitted to withdraw the said amounts.

10. The learned Advocates are at liberty to contact the learned Mediator for an early commencement of the mediation proceedings. They are at liberty to circulate this matter after the learned Mediator submits his report.

11. On the condition that the husband shall continue to pay the interim maintenance as directed in the order of this Court dated 20/12/2017, the ad-interim relief shall continue. Such payment is unconnected with the other order of payment of maintenance.

( Ravindra V.Ghuge, J.)