

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

WRIT PETITION NO.9258 OF 2019

Archana Kaustubh Desai Petitioner
 Vs.
Kaustubh Arvind Desai Respondent

Mr. Hemant S. Deshpande for the Petitioner
Mr. Sugandh Deshmukh for the Respondent.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 23rd August 2019

P.C.:

1. Today the parties are present before the Court. Learned counsel, Mr. Sugandh Deshmukh appearing for the respondent has submitted that the respondent has agreed to give a divorce by mutual consent and that both the parties would withdraw all civil and criminal proceedings against each other and their relatives.

2. The petitioner had informed this Court on more than two occasions that she wants to proceed in her life and therefore, she is not interested in monetary relief. However, the money that was

deposited towards the arrears, was allowed to be withdrawn by the petitioner. Besides that, upon a query made by the Court, she had requested that she should get some amount, so that she can take care of her medical expenses.

3. Mr. Deshmukh, upon instructions, had agreed to pay Rs.2,00,000/- to the petitioner. Initially she had agreed. Learned counsel appearing for the petitioner had once again confirmed by her. This Court had even passed an order in the open Court to the extent that the matter is settled on payment of Rs.2,00,000/-. Thereafter, the petitioner has again come and requested the Court that she had not agreed for Rs.2,00,000/- and she had not understood that, that amount was by way of full and final settlement and therefore had asked for more amount.

4. Mr. Deshmukh has submitted that Rs.6,00,000/- was paid to her. Earlier also, a substantial amount has been paid to her as the amount was deposited in her account and that he would not seek recovery of the amount of Rs.6,00,000/- He has also submitted

that in the same manner earlier efforts, for amicable settlement of the matter have failed. In fact, Mr. Deshmukh, upon instructions had agreed to pay Rs.2,00,000/- by demand draft on 7th September, 2019. However, since the petitioner has resiled from her statement before the Court, this Court is of the opinion that the learned Civil Judge, Senior Division, Jaysingpur shall summon the parties, act as a Mediator and if possible settle the issue between the petitioner and the respondent.

5. In view of above discussion, the matter is relegated to the Court of Civil Judge, Senior Division, Jaysingpur to make an attempt for settlement.

6. In the eventuality that the settlement talk fails, the learned Civil Judge, Senior Division, Jaysingpur shall decide the matter on it's own merits.

7. The Writ Petition stands disposed of without going into the merits of the matter.

8. In view of disposal of above writ petition, the Writ Petition No. 4328 of 2019 also stands disposed of.

(*Smt. Sadhana S. Jadhav, J*)