

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5901 OF 2020

Shri Chetan Chandulal Kale,
Age - 36 year, Occupation - Advocate
R/o. 28, Gulmohar Colony, behind Jain Mandir,
Indira Path, Kopargaon Tal. Kopargaon,
District Ahmednagar.

PETITIONER
(Org. Defendant)

VERSUS

Sow. Ruchi Chetan Kale,
Age – 36 year, Occupation - Service
R/o, C/o. Vilas Narayandas Khole
107, Sunshine Tower, Subhadra Nagar,
Kopargaon Tq. Kopargaon,
District Ahmednagar.

RESPONDENT
(Org. Plaintiff)

...

Advocate for Petitioner : Mr. Sanket S. Kulkarni
AGP for respondent : Mr. A. H. Kasliwal

...

WITH

CIVIL APPLICATION NO.6055 OF 2020

IN

WRIT PETITION NO.5901 OF 2020

Shri Chetan Chandulal Kale,
Age - 36 year, Occupation - Advocate
R/o. 28, Gulmohar Colony, behind Jain Mandir,
Indira Path, Kopargaon Tal. Kopargaon,
District Ahmednagar.

APPLICANT
(Org. Defendant)

VERSUS

Sow. Ruchi Chetan Kale,
Age – 36 year, Occupation - Service
R/o, C/o. Vilas Narayandas Thole
107, Sunshine Tower, Subhadra Nagar,
Kopargaon Tq. Kopargaon,
District Ahmednagar.

RESPONDENT
(Org. Plaintiff)

...
 Advocate for Applicant : Mr. Sanket S. Kulkarni
 AGP for respondent : Mr. A. H. Kasliwal
 ...

WITH
CIVIL APPLICATION NO.5698 OF 2020
IN
WRIT PETITION NO.5901 OF 2020

Shri Chetan Chandulal Kale,
 Age - 36 year, Occupation - Advocate
 R/o. 28, Gulmohar Colony, behind Jain Mandir,
 Indira Path, Kopargaon Tal. Kopargaon,
 District Ahmednagar.

APPLICANT
 (Org. Defendant)

VERSUS

Sow. Ruchi Chetan Kale,
 Age – 36 year, Occupation - Service
 R/o, C/o. Vilas Narayandas Thole
 107, Sunshine Tower, Subhadra Nagar,
 Kopargaon Tq. Kopargaon,
 District Ahmednagar.

RESPONDENT
 (Org. Plaintiff)

...
 Advocate for Applicant : Mr. Sanket S. Kulkarni
 AGP for respondent : Mr. A. H. Kasliwal
 ...

CORAM : MANGESH S. PATIL, J.

DATE : 14.10.2020

JUDGMENT :

Heard both the sides finally with the consent. In a matrimonial dispute, when the petitioner husband submitted Application (Exhibit-25) soliciting an order for referring the parties to mediation, ignoring the mandate of Order XXXII A of the Code of Civil Procedure, instead of making any attempt for settlement, the Civil Judge has simply passed one word order “Seen”. Being aggrieved the husband is before this Court.

2. Needless to state that the provision of Order XXXII A of the Civil Procedure Code are mandatory and it was imperative for the learned Civil Judge to have explored the possibility of some amicable settlement. That having not been done, it would be appropriate for this Court to now step in.

3. The Writ Petition is allowed. The Civil Judge shall now direct the parties to go for mediation and pass a suitable order in that respect. The Writ Petition is disposed of. The Mediator shall undertake the process as early as possible.

4. The learned advocate Mr. Sanket S. Kulkarni submits that note of the conduct of the Civil Judge was taken by this Court while passing the order on the first date i.e. 28.10.2020. The petitioner husband is being saddled with costs repetitively. He therefore prays that the amount of costs deposited by him pursuant to these orders shall be directed to be adjusted towards maintenance.

5. Learned advocate Mr. Kasliwal opposes these Civil Applications on the ground that the orders passed therein are independent of the impugned order and unless those are specifically challenged by way of separate Writ Petitions, no order as prayed for be passed.

6. As can be seen from the order passed by the learned Civil Judge on the Applications (Exhibit-32) and (Exhibit-35), the costs has been imposed even while it was specifically mentioned that the husband had preferred this Writ Petition and was seeking circulation. It is while adjourning the matter that the costs have been imposed. Such being the

state of affairs, even if technically these orders directing imposition of costs are independent, the impugned order and the present Writ Petition seems to be the genesis. It would therefore be appropriate to direct adjustment of the costs towards interim maintenance/maintenance to be paid to the respondent wife. The Civil Applications are accordingly disposed of with this direction.

(MANGESH S. PATIL, J.)

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