

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2605 OF 2021

**SHRI. MANISH A. KSHATRIYA
AND ANR.**

} PETITIONERS

V/S.

**SHRI. ARJUN L. KSHATRIYA
AND ANR.**

} RESPONDENTS

* * * *

Mr. Sachin Gite, Advocate for the petitioner.

Mr. A.R. Patil, APP for State.

Mr. Saurabh K. Raut, Advocate for respondent no.2.

Coram : Sandeep K. Shinde, J.

Tuesday, 21st December, 2021.

P.C. :

1. Shri. Arjun Laxman Kshatriya, is a Senior Citizen within the meaning of Section 2(h) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Petitioner no.1 is the son and petitioner no.2 is the daughter-in-law of Shri. Arjun L. Kshatriya. He moved an application under Section 5 of the Senior Citizens Act,

2007. Whereupon the Tribunal directed the petitioners to pay maintenance of Rs.10,000/- on/or before fifteenth day of succeeding month. The order of Tribunal dated 24th February, 2021 is assailed before this Court in the instant writ petition.

2. In consideration of the facts of the case, the parties were suggested to settle the dispute through mediation. Accordingly, Mr. A. Mahadevan, Senior Advocate was appointed as Mediator. The Mediator's Report dated 26th November, 2021 is taken on record and marked "X-1" for identification. The minutes of the mediation proceedings show that, parties have settled the dispute in the following terms :

"1. The Respondent Mr. Arjun Laxman Kshatriya has agreed to stay with family Of the Petitioner and Respondent at Upnagar, Nashik.

2. The Respondent has agreed to abandon all his claim for maintenance at the rate of Rs.10,000/- (Rupees Ten Thousand only) as order by Sub Divisional Officer as well as the Collector and appellate authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

3. The Petitioner Mr. Manish Arjun Kshatriya has agreed and shall deposit Rs.40,000/- (Rupees Forty Thousand only) as one time settlement of arrears of maintenance in account of

Respondent with State Bank of India, Shivaji Nagar Branch,
Nashik Road, Nashik.

4. The Respondent and the Petitioner have mutually agreed that the petitioner shall provide all day to day need of the Respondent as well as his personal private expenditure.

5. The petitioner has agreed and accepted the proposal as above.

6. Parties have agreed to the above terms and have no objection for disposing the W.P. No.2605/2021 in terms of the mutual settlement as above.”

3. The petitioners and the respondents are present. The mediation report was shown to the parties. They are not disputing the minutes of the mediation proceedings. In that view of the matter, the impugned order is set aside. The petition is allowed in the aforesaid terms and disposed of accordingly.

4. Respondent no.1 is permitted to withdraw Rs.25,000/- (Rs. Twenty Five Thousand only) deposited by the petitioners in the Registry of this Court towards litigation costs.

NEETA
SHAILESH
SAWANT

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NEETA SHAILESH
SAWANT
Date: 2021.12.22
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(SANDEEP K. SHINDE, J.)