

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

CRIMINAL REVISION APPLICATION NO. 80 OF 2022

Mohammad Azruddin Nazimuddin Shaikh .. Applicant

Versus

Shaher Bano Mohammad Azharuddin
Nazimuddin Shaikh and another .. Respondents

Ms. Surekha P. Mahajan, Advocate for the Applicant.
Mr. Sandesh Patil, Advocate for Respondent Nos. 1 and 2.

CORAM : BHARAT P. DESHPANDE, J.

DATED : 17th AUGUST, 2022.

PER COURT:-

1. This is a revision filed by the husband challenging the order passed by the learned Family Court dated 02.03.2021 in Petition No. E-379/2019. By the said order, interim maintenance is granted to the respondents at the rate of Rs. 6000/- (Rs. Six Thousand only) and Rs. 4000/- (Rs. Four Thousand only) per month respectively till the disposal of the main petition.
2. It is the main contention of the applicant that the learned Family Court failed to consider his income and also failed to give him opportunity to contest the interim maintenance application.
3. Heard learned counsel for the applicant and learned counsel for the respondent Nos. 1 and 2.

4. After arguing the matter for some time, both the learned counsel fairly submitted that if, interim maintenance granted by the learned Family Court to both the respondents is reduced to Rs. 7000/- (Rs. Seven Thousand only) per month and if the directions are given to dispose of the main petition within a period of six (06) months, the parties are ready to dispose of the present revision application.

5. Learned counsel for the parties submitted that if the matter is referred to mediation by the learned Family Court, they are ready to work out the matter for settlement. The applicant/husband is ready to give permanent alimony or even ready to cohabit with the respondents.

6. Considering the above submissions, it is necessary to give an opportunity to the parties to try for settlement as the child is only four years old. The interest of the child has to be considered as paramount consideration. The learned Family Court should be directed to refer the matter for mediation.

7. In view of the above submissions and considering the interest of the parties and more specifically that of the child, the impugned order is modified. Interim maintenance granted to respondent No. 1 is reduced to Rs. 5000/- (Rs. Five Thousand only) per month. Interim maintenance granted to respondent No. 2 is reduced to Rs. 2000/- (Rs. Two Thousand only) per month.

8. The applicant has deposited 50% of the amount of arrears in this Court which the respondents have already withdrawn. Considering the reduction of the amount as disclosed above, the applicant is permitted to deposit the remaining amount of arrears before the learned Family Court within a period of three (03) months in equal installments from today.

9. The learned Family Court is directed to dispose of Petition No. E-379/2019 as expeditiously as possible and within a period of six (06) months from the date of receipt of this order. The learned Family Court shall refer both the parties to mediation as the learned counsel for the applicant and respondents agree for referring the matter. Mediator be appointed from the panel of the mediators available at the Jalgaon District Court. Preference be given to the parties to choose the mediator. Both the parties shall appear before the learned Family Court on 19.09.2022. The matter shall be disposed of thereafter within a period of six (06) months.

10. With these observations, present revision application stands disposed of.

(BHARAT P DESHPANDE, J.)

P.S.B.