

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7170 OF 2022**

Yogesh Suresh Kangane	Petitioner
Versus	
Mrs. Disha Yogesh Kangane	Respondent

Miss Pooja Phagnekar along with Mr.Shubham Mhatre i/b. Mr. Nitesh Mohite, Advocate for the Petitioner.
Ms. Grishma N. Iad, Advocate for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 13th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the respondent.

2. Learned counsel for the petitioner submits that the family court has not given proper opportunity of hearing to the petitioner before passing the impugned order of maintenance.

3. Learned counsel for the respondent submits that on eight occasions, the trial court had given an opportunity of hearing to the petitioner, in spite of that, the petitioner failed to file his affidavit of assets and liabilities.

4. Learned counsel for the petitioner submits that the petitioner is ready and willing to settle the matter with respondent. Hence, the matter be remanded back to the learned Family Court at Pune.

5. I have heard both learned counsel. The arrears of maintenance is more than Rs.5,00,000/, if the petitioner is directed to deposit 60% out of the arrears amount, would suffice. Hence, I pass the following order :

1. The order dated 23rd December, 2021, passed by the Family Court at Pune in Marriage Petition no.244 of 2019 is hereby quashed and set-aside. The matter is remanded back to the Family Court at Pune for fresh hearing by giving opportunity of hearing to both sides.
2. In view of the statement of learned counsel for the petitioner that the petitioner is likely to settle the matter, learned Family Court Judge is requested to refer the matter for mediation.

3. The petitioner shall deposit 60% amount, out of the arrears of maintenance till date, within eight weeks from today before the Family Court at Pune.
4. The respondents can file appropriate application for withdrawal of the aforesaid amount before the Family Court at Pune.

Writ Petition stands disposed of.

6. Ms. Grishma Lad, learned counsel is appointed through High Court Legal Services Authority. Her fees be paid as per the Rules.

(S. G. DIGE, J.)