

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10763 OF 2022

Avanti Hiranandani

Aka Babita Bhatia

..... Petitioner

VERSUS

Bharat Hiranandani

..... Respondent

Ms.Kausar Banatwala a/w. Neuty Thakkar i/b. Mr.Tushar Goradia
for the Petitioner.

Mr.M.Nawaz Haindaday a/w. Ms.Gazala Parveen Shaikh i/b.
Ms.Nipa Shah for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 7 MARCH, 2024

P.C. :-

Mr.Haindaday, learned counsel appearing for the respondent husband submits that he has prepared a reply on behalf of the husband which he is tendering across the bar. The said reply is taken on record and has also given a copy to the advocate appearing for the petitioner.

2. After the matter was argued for some time, this Court is of

the opinion that this writ petition can be disposed of with certain directions.

3. Writ petition stands disposed of with following directions :-

(a) The impugned order dated 21 January, 2020 passed by the Family Court, Mumbai, the operative part, item nos. 1, 2, 3 and 4 are hereby confirmed. It is further mutually agreed that the husband who is the father of the daughter 'Janhvi' would further pay a sum of Rs.40,000/- with regard to the private coaching class for subject Hindi and Marathi within two working days, directly in the bank account of the wife.

As regards the item no.5 of the operative part of order dated 21 January, 2020, which is regarding interim maintenance payable to the wife, the Family Court has rejected the said application. The said part of the item no.5 of the

operative part of the order dated 21 January, 2020 is hereby quashed and set aside.

(b) In view of the findings recorded in order dated 21 January, 2020 in paragraph no.12 and paragraph no.20, the Family Court at Bandra, Mumbai is hereby directed to hear the parties by taking into consideration the ratio laid down by the Supreme Court in the judgment in case of ***Rajnish vs. Neha & Ors. reported in (2021) 2 SCC 324.*** The Family Court should consider the documents tendered by both the sides and give an opportunity to the advocates for both the sides to argue the matter on the limited issue of the item no.5 of the order dated 21 January, 2020.

(c) The Family Court, Bandra will make an endeavour to hear and dispose of the matter within a period of three months from today.

4. In view of the same, writ petition is disposed of.
5. At this stage, both the learned counsel agree on instructions from their clients that if a mediator is appointed, they will make an attempt to resolve all the issues between them.
6. This Court appoints Hon'ble Shri Justice Akil Kureshi, Retired Chief Justice of the Rajasthan High Court as a mediator in these proceedings. Address of the mediator is as under :-

Hon'ble Shri Justice Akil Kureshi
(Retired Chief Justice of the Rajasthan High Court)
C/o. Rajani and Shirish Patel,
11, Maker Chambers VI,
220, Jamnalal Bajaj Marg, Nariman Point,
Mumbai – 400 021
(Email : akil.kureshi@gmail.com,
Mobile No. 9408481511)
7. The fees and expenses of the learned mediator will be borne by the respondent (husband).
8. In the meantime, since the parties have now agreed for a

mediation, all further proceedings between the parties are deferred till the report of the mediator comes to this Court.

[RAJESH S. PATIL, J.]