

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1373 OF 2024

IN

FAMILY COURT APPEAL (L) NO.35177 OF 2023

WITH

INTERIM APPLICATION NO.1374 OF 2024

IN

FAMILY COURT APPEAL (L) NO.35177 OF 2023

Shailendra J. Gaikwad

.. Appellant

Versus

Naina S. Gaikwad

.. Respondent

WITH

INTERIM APPLICATION NO.1577 OF 2024

IN

FAMILY COURT APPEAL (L) NO.34676 OF 2023

WITH

INTERIM APPLICATION NO.1578 OF 2024

IN

FAMILY COURT APPEAL (L) NO.34676 OF 2023

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Shailendra J. Gaikwad

.. Appellant

Versus

Naina S. Gaikwad

.. Respondent

Mr. Satyajeet Shirke, Advocates for the Appellant.

***Mr. Mankumar Deshmukh, Advocates for the Respondent-wife
(Legal service appointed)***

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE: OCTOBER 18, 2024

P. C.

1. Both the above Appeals are filed by the Appellant-husband. They challenge the same impugned judgment and order. By the impugned judgment and order, the Divorce Petition filed by the Appellant-husband was dismissed and the counterclaim of the Respondent-wife seeking restitution of conjugal rights was allowed. In both the Appeals, the Appellant-husband has taken out an application for condonation of delay as well as for a stay of the impugned judgment and order.

2. Both the parties agreed that they would like to try and see if they can resolve the disputes amicably, and therefore, they sought the appointment of a Mediator. Accordingly, with the consent of parties, Mr. S. G. Deshmukh, an advocate of this Court, is hereby appointed as a Mediator to try and see if the disputes between the Appellant and the Respondent in both the above Appeals can be amicably resolved.

3. The parties shall appear before the Mediator on 27th November 2024. The Mediator shall give all further directions as to how mediation is to proceed. The costs of the mediation, if any, at the first instance shall be

borne by the Appellant-husband. The Mediator is requested to file his/her report in this Court on or before 10th January 2025.

4. The learned counsel appearing for the Respondent-Wife has also made a grievance that the Appellant is in arrears of maintenance to the tune of approximately Rs. 3 lacs. The learned counsel appearing on behalf of the Appellant, on taking instructions, has stated that he will clear the arrears of Rs.3 Lakhs in the following manner:-

- (a) Rs.30,000/- on or before 25th October 2024.
- (b) The balance amount of Rs.2,70,000/- on or before 18th November 2024.

5. We accept the said statement as an undertaking given to the Court.

6. Place both the above Appeals along with the above Interim Applications, on Board “for directions” on 10th January 2025.

7. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]