

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14176 OF 2023
WITH
INTERIM APPLICATION NO. 1044 OF 2024
IN
WRIT PETITION NO. 14176 OF 2023**

Deepak Baban Gawali ... Petitioner
vs.
Anuja Deepak Gawali Alias Anuja Vitthal ... Respondent
Shelke

**WITH
WRIT PETITION NO. 6257 OF 2024**

**WITH
WRIT PETITION (ST) NO. 12420 OF 2024**

Anuja Deepak Gawali ... Petitioner
vs.
Deepak Baban Gawali ... Respondent

Mr. Pranav H. Bhoite for the Petitioner in WP/14176/2023.

Mr. P. B. Gujar for Respondent in WP/6257/2024.

Mr. Amol B. Jagtap for the Respondent in WP/14176/2023 and for the Petitioner in WPst/12420/2024 and WP/6257/2024.

CORAM : GAURI GODSE, J.

DATED : 29th AUGUST 2024

ORDER :-

1. Learned counsel for the wife submits that in the earlier

petition filed by the husband, the mediation has failed; hence, she is apprehensive about any possibility of an amicable settlement. He submits that the wife has apprehension to attend the mediation meetings in the absence of her father or brother.

2. Learned counsel for the husband submits that since the parties were never able to meet independently the mediation efforts have failed.

3. Learned counsels for the parties on instructions submit that the parties are agreeable to go for mediation. The parties have also joined through VC. The petitioner- wife submits that she has no difficulty in attending the mediation meetings in the absence of her family members. She has made this statement in response to the query made to her by this Court. This query was put to her as an apprehension was expressed on her behalf by her counsel that, due to intervention of the wife's family members, the settlement talks had failed. However, the petitioner- wife submits that she has always attended the mediation meetings independently on her own and she will henceforth also attend the meetings on her own in the absence of her father or brother.

4. The parties are referred to Main Mediation Centre, High Court, Bombay for appointment of some appropriate Mediator for

conducting mediation meetings at Pune.

5. During the pendency of mediation, the parties have agreed that the husband will be permitted to meet the minor daughters on every Sunday from 4.00 p.m. to 6.00 p.m. at Phoenix Market City Mall Vimanagar, Pune at the play zone area. The parties are at liberty to spend time in any area of the mall as per the comfort of the daughters.

6. It is clarified that at this stage, the husband is permitted to meet the minor daughters in the presence of the wife. However, the wife shall make efforts to see that the minor daughters meet the husband comfortably and in a free environment.

7. It is further clarified that both the parties shall not discuss about the litigation in the presence of the minor daughters or with the daughters. It is also clarified that the parties shall not influence the children's mind against each other.

8. Learned counsel for the wife submits that the husband is in arrears to the tune of Rs.9,40,000/-.

9. Learned counsel for the husband submits that he will clear the arrears in three installments. The husband agrees that the payment towards the arrears shall be paid in following three installments on the following date;

- (i) 5th September 2024 = 3,3,000/-
- (ii) 5th October 2024 = 3,3,000/-
- (iii) 5th November 2024 = 3,3,000/-

10. Learned counsel for the husband further on instructions submits that the monthly maintenance as per the impugned order shall be regularly paid, over and above the above said installments. The monthly maintenance shall be paid as per the impugned order.

11. List the petition under the caption “for settlement” on 16th October 2024.

12. It is clarified that in the event there is any change in time for availing access, the parties are at liberty to co-ordinate with each other through Whatsapp messages.

(GAURI GODSE, J.)