

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 60 OF 2025 AND
FAMILY COURT APPEAL NO. 4 OF 2025

Satish s/o Rambhavu Kayande

..vs..

Sau. Puja Satish Kayande

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.J. Thakkar, Advocate for the appellant/applicant.
Ms. S.H. Bhatia, Advocate for the respondent.

CORAM: SMT.M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.
DATED : 18/06/2025.

Heard.

2. This is an application seeking stay to the implementation, execution and operation of impugned judgment and decree dated 03.07.2024 passed in Petition No.A-29/2022 by the learned Judge, Family Court, Buldhana, during the pendency of the appeal.

3. It appears that Petition No.A-29 of 2022 was filed by the wife for restitution of conjugal right, which came to be allowed by the Family Court, Buldhana. The operative part of the order reads as under :

“(i) Petition is allowed under Section 9 of Hindu Marriage Act, 1955.

(ii) Respondent husband is hereby directed to restitute the marital relations with the respondent forthwith, failing which, the petitioner is entitled to have a restitution by taking the recourse to legal process.

(iii) Respondent husband is directed to pay Rs.4000/- to the petitioner from the date of filing application (Exh.30) dated 25.07.2023 to till date within one month towards maintenance pendent

lite. Failing which the applicant shall entitle to recover the same with interest @ of 6% per anum.

(iv) Parties to bear their own cost.

(v) Pronounced in open court.”

4. Learned Counsel for the respondent submitted that arrears of maintenance are due, which were directed by the Family Court, Buldhana.

5. Therefore, in our considered opinion, the effect and execution of clause (ii) of the operative order of the Family Court, Buldhana dated 03.07.2024 needs to be stayed. Accordingly, it is hereby stayed. However, the appellant/husband is liable to pay an amount of maintenance as ordered by the Family Court, Buldhana in the above said order.

6. It is made clear that the appellant/husband to deposit the arrears of maintenance along with interest within a period of two months, from the date of order of this Court. Failing which, the stay granted will stands vacated.

7. At this juncture, both the parties are agreed to refer the matter for mediation.

8. By consent, Advocate Ms Chitra Chavhan, is hereby appointed as a Mediator in the matter.

9. Both the parties to appear before the learned Mediator on 08.07.2025 at 2.00 p.m.

10. The Secretary, High Court Legal Services Sub Committee, Nagpur to co-ordinate in the matter.

11. List the matter on 10.07.2025, for admission.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)