

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2447 OF 2019

**VITTHAL SAMPATRAO WAGHMODE
VERSUS
SAKHUBAI VITTHAL WAGHMODE**

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Advocate for the Petitioner : Shri Akash Gadhe h/f Shri Salunke
Sudarshan J.

Advocate for the Respondent : Shri Deshpande Ram B.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 29th June, 2019

Per Court:

1 This matter was heard at length on 21.06.2019 and 28.06.2019 and was posted today for passing orders.

2 The petitioner/ husband has already deposited an amount of Rs.1 lac in this court under the orders of this court dated 21.02.2019 and 11.04.2019. On this condition, the impugned order dated 28.01.2019 issuing the arrest warrant against the petitioner, was stayed.

3 The learned advocate for the petitioner submits that the remaining amount of approximately Rs.1,05,000/- would be deposited if this court grants time.

4 It is further submitted that the matter can be referred to the mediation at the High Court level.

5 The learned advocate for the respondent/ wife submits that there are two execution proceedings pending against the petitioner. This petition involves R.D. No.21/2016. She is agreeable for mediation proceedings subject to clearing off the dues within one week.

6 Considering the above, this Writ Petition is disposed off with the following directions :-

- (a) The petitioner shall deposit an amount of Rs.1,05,000/- (Rupees One Lac Five Thousand) before the Executing Court on or before 20.07.2019. There shall be no extension of time.
- (b) The respondent/wife is at liberty to withdraw an amount of Rs.50,000/- along with accrued interest, if any, from this Court keeping in view that she has already withdrawn Rs.50,000/- earlier.
- (c) The respondent/ wife is permitted to withdraw the amount of Rs.1,05,000/- from the Executing Court without conditions.
- (d) If the amount as directed is not deposited by the petitioner, the impugned arrest warrant shall stand revived and the petitioner shall then be arrested in view of the impugned order dated 28.01.2019.
- (e) By consent of the parties, the High Court Legal Services Sub-Committee, Aurangabad shall refer the matter to Shri S.G.Chapalgaonkar, learned Advocate, for mediation

notwithstanding the disposal of this petition. The learned Mediator would submit his report to this court within ten weeks from today. Parties are at liberty to contact the learned Mediator for early commencement of the mediation proceedings.

kps

(RAVINDRA V. GHUGE, J.)