

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FAMILY COURT APPEAL NO.9 OF 2014

Ragini w/o Satish Barkase

Appellant

Versus

Satish Bhagwan Barkase

Respondent

Mr.D.K. Kulkarni advocate for the appellant
Mr.A.S.Jamdhale & Mr.A.P. Ghule Patil
advocates for Respondent

CORAM : R.M. BORDE &
V.K. JADHAV, JJ

Dated : 23rd April, 2015.

PER COURT :-

1 The appellant is objecting to the order passed by the Judge, Family Court, granting liberty to respondent applicant, to withdraw the petition presented for seeking divorce on condition of payment of costs of Rs.20,000/- with liberty to file fresh petition.

2 During pendency of the instant appeal, with the consent of the parties, matter was referred for mediation. The mediator has presented a report informing that, the mediation has succeeded. Both the parties have decided to bring to an end, matrimonial ties, by instituting appropriate proceedings before the family Court. The respondent herein has agreed to pay a sum of Rs.5 lakhs towards maintenance of the appellant and her child. Apart from this, further sum of Rs.50,000/- towards damages caused to the articles

belonging to the wife is also agreed to be paid. The respondent has relinquished the right to claim custody of the minor child permanently. This condition has been agreed by the appellant.

3 Learned counsel appearing for the appellant, informs that, the appellant has received the sum.

4 Both the parties agree that, an application seeking divorce, by mutual consent, would be presented to the Family Court, within a period of four weeks from today. Respondent also agrees to withdraw the proceedings for divorce initiated in pursuance to the order passed by Family Court, which order is impugned in this petition.

5 In view of the consent terms arrived at in mediation proceedings and as per the report placed on record before this Court, (which is marked as Article-I for identification), the instant appeal does not deserve consideration and stands disposed of.

6 There shall be no order as to costs.

7 Pending Civil Application does not survive and stands disposed of.

(V.K. JADHAV, J)

(R.M.BORDE, J)