

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
(Civil Appellate Jurisdiction)

SECOND APPEAL NO. 44 of 2012

(Manohar Gunaji Manjarekar	Appellant
versus	
Sau. Archana Manohar Manjarekar	
and another	Respondent)

AND

SECOND APPEAL NO. 62 of 2012

(Manohar Gunaji Manjarekar	Appellant
versus	
Sau.Archana Manohar Manjarekar	
and another	Respondent)

Mr. S.M.Raikar, Advocate for appellant in both appeals.

Mr. Shreekant V. Gavand, Advocate, for respondents in both appeals.

CORAM : R.K.Deshpande, J.
DATED : 4th AUGUST, 2015.

P.C.

The parties to both these second appeals have filed minutes of the order on 10th April, 2015, which are signed by both the parties and the learned counsels appearing for the parties. The minutes of the order are reproduced below.

Appellant and Respondent No. 1 have settled the matter out of Court and filing Consent Terms as follows.

(i) Appellant and Respondent No. 1 hereby agree

for decree of dissolution of marriage by Mutual Consent and for that purpose withdraw all allegations against each other.

- (ii) The Appellant and Respondent No. 1 hereby agree that they shall not make any allegations against each other in future and shall not file any proceedings against each other in any Court.*
- (iii) The Appellant hereby agrees to pay a sum of Rs.7,00,000/- to the Respondent No.1 as and by way of full and final settlement of lump sum alimony including arrears if any for Respondent No.1 and her daughter and the Respondent No.1 accepts the same.*
- (iv) The Appellant agrees to pay an amount of Rs.3,50,000/- by demand draft on or before 8th of May 2015 to the Respondent No.1 as part payment out of total amount of Rs.7,00,000/- payable to Respondent No.1*
- (v) The balance amount of Rs.3,50,000/- will be paid by the Appellant to Respondent No.1 by Demand Draft on or before 30th June, 2015.*
- (vi) Save and except the above sum of Rs.7,00,000/-, the Respondent No.1 or any other person claiming through her or on her behalf shall have no right of whatsoever nature as and by way of alimony, maintenance or share in the property.*
- (vii) Without prejudice to the contention of the Appellant as regards paternity of child '**Tanvi**' of Respondent No.1, the Appellant hereby makes payment as above towards alimony of Respondent No.1 and her daughter '**Tanvi**'*
- (viii) Upon payment of said amount of Rs.7,00,000/- by the Appellant to the Respondent No.1, all the proceedings pending before any of the Lower Courts or authorities in between Appellant and Respondent No.1 stand withdrawn.*
- (ix) It is hereby agreed that the issue of paternity of Tanvi shall be kept open and the parties to the present proceedings shall be entitled to agitate the same as and when the same*

arises.

- (x) *Upon payment of said amount of Rs.7,00,000/- by Appellant to the Respondent No.1 as aforesaid, the marriage between the Appellant and Respondent No.1 shall stand dissolved by mutual consent.*
- (xi) *Upon payment of said amount of Rs.7,00,000/- by Appellant to the Respondent No.1 as aforesaid, the both second appeals would stand disposed off on above terms.*

On 5th May, 2015, this Court has passed an order as under;

"Heard Mr. Railkar, learned Counsel for appellant and Ms Yadav, learned Counsel for respondent No.1.

Mr.Railkar submitted that as per the minutes of order dated 10.04.2015 duly signed by the parties and their Advocates, appellant has tendered Demand Draft No. 25066, dated 17.04.2015 drawn on Bank of Maharashtra, Kankavali Branch and payable at Kankavali Branch in favour of the respondent No.1 in the sum of Rs.3,50,000/-. Ms Yadav states that respondent No.1 is present in the Court and she acknowledges receipt of the Demand Draft. Mr. Railkar submitted that balance amount of Rs.3,50,000/- is payable on or before 30.06.2015.

3. In view thereof, list the Appeal on 03.07.2015 for further orders.

In terms of the aforesaid order, the learned counsel for the appellant-husband submits that the appellant has prepared the Demand Draft of Rs.3,50,000/-, bearing No. 25141, dated 6th July, 2015, drawn on Bank of Maharashtra, Kankavali Branch. It is tendered to the learned counsel

appearing for the respondent-wife, who acknowledges the receipt of it for being forwarded to the respondent-wife.

In view of the aforesaid compromise, the marriage between the appellant-husband and the respondent No.1 - wife stands dissolved by decree of divorce on the ground of mutual consent. Second appeals stand disposed of. No cost.

(R.K.DESHPANDE, J.)

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