

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FAMILY COURT APPEAL (ST). NO. 10442 of 2015

Ashish Arun Mistry

.. Appellant

v/s.

Mrs. Namita @ Abha Ashish Mistry

..Respondent

Ms. Vishranti Navale for the appellant

Mr. Nitin Gangal for respondent no.1

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 30th JUNE, 2015.

P.C.

1. By a separate order passed in Civil Application No.220 of 2015, we have condoned the delay in filing the aforesaid Family Court Appeal. Registry is directed to register the Appeal after the appellant removes the office objection.

2. The parties to the appeal have settled their dispute amicably and filed consent terms dated 30.06.2015. The consent terms are signed by the appellant and respondent along with their respective

Counsel. Both the appellant and respondent are present in the Court. On specific query made by us, they have stated that they have gone through the consent terms and understood the contents therein and prays for disposal of the appeal in terms of the consent terms. The consent terms dated 30.06.2015 are taken on record and marked "X" for identification. The undertakings given in the consent terms by the respective parties are accepted.

3. The terms and conditions of consent terms dated 30.06.2015 read thus :-

1. Decree dated 17.08.2013 passed by the Family Court, Bandra in M.J. Petition No.A-60 of 2008 is set aside and replaced by present consent terms wherein the parties hereby agree and dissolve their marriage solemnized on 26.03.2006 by mutual consent.

2. Appellant agrees to pay lump sum amount of Rs.12,50,000/- inclusive of arrears of maintenance to respondent by way of full and final settlement in the following manner:

(a) Rs.1,50,000/- (Rupees One lakh and Fifty Thousand only) has been paid by Appellant to Respondent vide cheque dated 10.04.2015 bearing No.099930 drawn on Union Bank of India in favour of respondent.

(b) Rs.8,00,000/- (Rupees Eight Lakh only) to be paid

vide Demand Draft dated 08.05.2015 bearing No.859593 drawn on Union Bank of India in favour of respondent.

(c) Rs. 3,00,000/- (Rupees Three lakh only) to be paid vide Demand Draft dated 06.06.2015 bearing No.050683 drawn on HDFC Bank in favour of respondent.

Respondent states that she has no past, present and future claim against appellant of whatsoever nature save and except the lumpsum amount received by her in the foregoing paragraph. Consequently, appellant states that neither he himself nor his relatives have any past, present and future claim against the respondent.

3. Respondent agrees to withdraw complaint u/s 498A being case No.100 of 2007 filed by her at JMFC, Dahanu against appellant and his relatives unconditionally. If so required, appellant will file consent petition for quashing / compounding before appropriate forum, to which respondent agrees and undertakes to give consent terms.

4. Both the parties state that the entire stridhan, jewellery, garments and articles of the respondent have been given to her on 29.06.15 and that there is no pending exchange in the parties. The respondent agrees that she will not raise any claims of any nature in past/present/future against the appellant and his family.

5. Both the parties hereby withdraw all the proceedings / complaints / allegations filed/ levelled against each other and their respective relatives, including Second Appeal No.362 of 2014 filed by the respondent and Second Appeal (St.) No.5340 of 2015 filed by appellant, unconditionally. Both the parties undertake to this Hon'ble Court to carry out the formality of actual withdrawal the referred proceedings pending in this Hon'ble Court within two weeks from filing of these consent terms.

6. Both the parties agree that after the filing of the present consent terms, the entire material ties in between the parties shall be dissolved permanently and that there

shall be no interference in each other's life and there shall be no claim / right of any nature against each other or their families”.

4. The Family Court Appeal is disposed of in the above terms.

Decree be drawn in terms of Consent Terms dated 30.06.2015.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)