

Rajesh Prem Lala	...	Petitioner
Vs.		
Gauri Grover	...	Respondent

CORAM : R. G. KETKAR, J.
DATE : 27TH AUGUST, 2015

Heard Mr. Nimbalkar, learned Counsel for petitioner and Mr. Shah, learned Counsel for respondent.

4. Respondent-wife thereafter filed proceedings under Section 25 of the Act for enhancement of the maintenance. By order dated 01.10.2011, the Family Court allowed the application and modified the order of maintenance. The petitioner was directed to pay maintenance

Rs.4,000/- per month to the respondent -wife instead of Rs.2,000/- per month from the date of her application dated 27.12.2010. The parties thereafter filed consent terms in Petition No.R.D.No.500 of 2013 on 12.11.2013. Under the consent terms, petitioner agreed to pay lumpsum maintenance of Rs.6,50,000/- to the respondent on or before 31.03.2014. On the same date, the learned Judge passed order to the following effect:

“I verified to both. They have admitted contents & their signatures.”

5. The petitioner thereafter filed application on 30.01.2015 for withdrawal of his consent from the consent terms. By the impugned order, the appellate Court rejected the application. In paragraph 5, Family Court observed that the Executing Court cannot go beyond the consent terms. The Family Court also referred to Rule 31 of the Family Courts Rules and observed that the petitioner herein did not make out a case that the terms of the settlement are unconscionable or unlawful or contrary to public policy.

6. After arguing the Petition for some time, Mr. Nimbalkar seeks permission to withdraw the Petition with liberty to file application raising grounds available under Rule 31 of the Rules. Mr. Shah submits that in case such liberty is granted, all the contentions of the respondent-wife including maintainability of proposed application be kept open.

7. On the motion made by Mr. Nimbalkar, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression on merits either way. All the contentions of the respondent including objection as regards maintainability of the proposed application are kept open. Order accordingly.

(R. G. KETKAR, J.)