

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

FAMILY COURT APPEAL NO. 231 OF 2014

Kanta Dilip Makwana

..Appellant

v/s.

Dilip Jugraj Makwana

..Respondent

Mr. V.C.Ghosalkar for the Appellant.

Mrs. T.F.Irani i/b. Ms. M.J.Miranda for the Respondent.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JANUARY 21, 2015.

P.C.

1. Heard.
2. The parties to the appeal have arrived at settlement with the intervention of the mediator. Accordingly, consent minutes of order is prepared. The consent minutes of order signed by the parties and their respective counsel read as under:

“Both the parties were married to each other on 28/11/2004 and have been living away from each other since January 2008.

1. There are no issues born from the said wedlock.

2. Both the parties have finally agreed to come to a settlement and to dissolve their marriage on the following terms:

a) Both the parties agree and withdraw all allegations/cases pending in various courts against each other.

b) The Respondent agree and undertakes to this Honourable Court that he shall pay the permanent alimony of Rs.30,00,000/- (Rupees Thirty Lakhs Only) inclusive of maintenance and residence to the Appellant as per the Divorce Decree passed by the Hon'ble Family Court at Bandra, Mumbai on 4th August, 2014.

c) The Respondent agree and undertakes to this Honourable Court to pay this amount of Rs.30 lakhs to the Appellant in six instalments of Rs.5 lakhs (Rupees Five Lakhs) each starting from February 2015.

d) The Respondent agree and undertakes to this Honourable Court to pay Rs.30,00,000 (Rupees Thirty Lakhs only) in the instalments of Rs.5 lakhs by giving post dated cheques in the following manner:

21/02/2015 Rs.5 lakhs

21/09/2015 Rs.5 lakhs

21/04/2016 Rs.5 lakhs

21/12/2016 Rs.5 lakhs

21/07/2017 Rs.5 lakhs

21/03/2018 Rs.5 lakhs

e) The respondent gives undertaking to this Honourable Court that in the event of any of the aforementioned cheques being dishonoured due to fault of the respondent then the respondent undertakes to pay the entire amount of alimony that is Rs.30,00,000/- (Rupees Thirty Lakhs only) less the amount already paid within one month.

f) The Appellant has agreed to vacate the Respondent's mothers house located at Mithailal Ki Chawl, Room No.5, Dr. Ambedkar Road, Khar (West), Mumbai 400 052 by 30th March, 2015 with all her belongings.

g) Both parties have no further claim against each other with respect to movable/immovable properties, owned or to be owned by them now or in the future.

h) Both parties have drawn up these consent terms of their own free will, without any force, coercion or undue influence.

i) Both parties confirm that save and except what is stated herein above, neither Party shall have any further rights/claim on each other.

j) Both parties agree that these consent terms are final and binding upon them for ever.”

3. Both the appellant and the respondent are personally present in

the court along with their respective counsel. On specific query they state that they are agreeable with the terms of the Consent Minutes of Order. Consent minutes of order are taken on record and marked "X" for identification. The undertaking given in the consent minutes of order are accepted.

4. In terms of clause (d) of the consent minutes of order, the appellant has received 6 post dated cheques. Xerox copy of the cheques are placed on record.

5. The parties have no objection to dispose of the appeal in terms of the consent minutes of order.

6. In view of the consent minutes of order, appeal stands withdrawn. The decree passed by the Family Court stands confirmed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)