

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 458 OF 2014
IN
FAMILY COURT APPEAL NO.193 OF 2008
IN
MATRIMONIAL PETITION NO.A-1453 OF 2003

Smt. Shomita Tarak Ghosh. .. Applicant

Vs

Shri Tarak Kumar Ghosh & Another .. Respondents

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Shri Rahul Totala i/by Shri Sankalp Anantwar for the Applicant.

Shri Sanjay Jain along with Ms. Sarika Mehra i/by M/s. L.J. Law for the Respondents.

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CORAM : A.S. OKA & A.K.MENON, JJ

DATED : 29TH JANUARY 2015

PC.

. The learned counsel appearing for the First Respondent on instructions states that without prejudice to the rights and contentions of the First Respondent, he is ready and willing to pay a sum of Rs.30,000/- to the Applicant considering the averments made in the Application. We accept the said statement. In view of the Paragraph 17 of the Application and in view of the aforesaid statement, at this stage, it is not necessary to pass any order regarding encashment of the fixed deposit of Rs.5 lacs.

2. The learned counsel appearing for the Applicant invites our attention to the Clause (6) of the consent terms. It is obvious that in

the event there is a necessity, the Applicant can always address a communication to the Advocate representing the First Respondent. Once such communication is addressed to the Advocate for the First Respondent, the Advocate can always contact the First Respondent and thereafter, necessary action can be immediately taken.

3. By accepting the aforesaid statement of the learned counsel appearing for the Applicant and subject to the above clarification, we find that at this stage, it is not necessary to consider the prayers made in the Application.

4. Subject to what is observed above, the Application is disposed of.

1 (A.K.MENON, J)

(A.S. OKA, J)