

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

**FIRST APPEAL NO.558 OF 2013
WITH
CIVIL APPLICATION NO.4201 OF 2014**

Sou. Sadhana Kumar Magdum
Odd. Advocate C/o. Smt. Chandrabai
Jingonda Patil, R/o. Rendal.
Tal. Hatkanangale, Dist. Kolhapur .. Appellant

VERSUS

Kumar Bhujappa Magdum, Age 54,
Occ. Advocacy, R/o. Lane No.9,
Jaysingpur, Tal. Shirol, Dist. Kolhapur .. Respondent

Mr. Prajakt M. Arjunwadkar for the Appellant.
Mr. Vijay Killedar for the Respondent.

**CORAM : MRS. MRIDULA BHATKAR J.
DATED : NOVEMBER 18, 2015.**

PC. :

. The learned Counsel appearing for the Appellant seeks to tender the affidavit, however, this is not the affidavit as directed by the Court. This Court wanted affidavit of the Appellant to the effect that the marriage of Nirmala Dhondiram Shinde was dissolved on 14 February 2014. The Appellant challenged that the said marriage was not dissolved on 9 August 2005, though the photocopy of the judgment of the learned Civil Judge, Senior Division, Sangli, dated 9

August 2005, disclosing that the marriage between Nirmala Dhondiram Shinde and Dhondiram Shinde has been dissolved. The Appellant is directed to file one last affidavit today itself i.e. on 18 November 2015 at 03.00 p.m. The Registry to accept the affidavit of the Appellant and the Appellant is directed to appear before this Court at 03.00 p.m.

2 Today the affidavit is filed by the Appellant which is taken on record. Perused the affidavit. In the affidavit, the Appellant has not stated that the marriage of Nirmala Dhondiram Shinde was dissolved in the year 2014. From the affidavit and the documents filed by the Respondent-husband, it appears that Nirmala Dhondiram Shinde, Sujata Kumar Magdum and Sujata Shivaji Rajput is one and same person and first marriage was dissolved on 9 August 2005 and therefore, this Court holds that second marriage performed by the Respondent was after the appeal period is over and before this appeal was filed and hence, is valid. Therefore, the challenge in respect of the decision of the District Judge, District Court, Kolhapur dated 24 July 2014 thereby dissolving the marriage does not survive.

3 In the First Appeal, another point of alimony is raised

and it is stated that Respondent-husband has given at the rate of Rs.7,000/- per month from the date of judgment and order dated 24 July 2012. However, it is submitted by the learned Counsel for the Appellant that it should have been on higher side, particularly at the rate of Rs.15,000/- per month from the date of the application, which was filed in the year 2009.

4 Today the parties are present in the Court. Their daughter is married and she is Doctor. Their son is also MBBS, however, he is pursuing further studies. An education loan of Rs.6,00,000/- obtained for son's education is due. The Respondent being ex-husband has to give the amount by way of permanent alimony to the Applicant-wife.

5 On deliberation, able assistance and co-operation of both the Counsel, the parties have arrived at the settlement in respect of an amount of permanent alimony. It is agreed between the parties that the amount by way of permanent alimony will be paid by the Respondent-husband to the Appellant-wife of Rs.9,00,000/-. The mode of payment agreed by both parties is, on or before 10th day of each month Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only)

will be deposited in the account of Sadhana Kumar Magdum, Saving Account No.31028645880, State Bank of India, Branch at Timber Market, Kolhapur, for a period of six months which will start from December 2015.

6 In the Court, both the parties have agreed that they will withdraw the proceedings which are filed against each other and will put an end to all the issues/disputes between them. As the parties have settled the matter in presence of the Court, no separate undertaking is taken as they are bound by the order of the Court. With this, appeal alongwith Civil Application are disposed of.

(MRS. MRIDULA BHATKAR, J.)