

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.348 OF 2016

Rakesh s/o Hanumansing Pardeshi

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr.D.A.Bide, advocate for the applicant.

Mr.K.S.Patil, A.P.P. for Respondent No.1.

Mr.V.P.Narwade, advocate for Respondent No.2.

CORAM : R.M.BORDE &

K.L.WADANE, JJ.

DATE : 11th April, 2016

PER COURT:

1 Instant application is presented by the applicant-husband seeking modification in the terms of settlement arrived at between the parties i.e. petitioner and Respondent No.2-wife before the learned Mediator. The modification sought in the terms of settlement is in respect of permanent alimony required to be paid by the applicant-husband in favour of Respondent No.2- wife.

2 It was settled between the parties before the learned Mediator that applicant-husband would pay a sum of Rs.10,40,000/- to the Respondent-wife in two instalments. First instalment of Rs.5,00,000/- was to be deposited within three months from the date of settlement in the Court of Civil Judge, Senior Division, Ahmednagar at the time of filing petition for divorce by mutual consent under Section 13 (1) (b) of the Hindu Marriage Act. The next instalment of Rs.5,40,000/- was expected

to be deposited on or before 01.12.2015 in the Court of Civil Judge, Senior Division, Ahmednagar.

3 The applicant states that he could hardly collect a sum of Rs.5,00,000/- and deposited the said amount in the Court of Civil Judge, Senior Division, Ahmednagar. It is also informed that petition seeking divorce by mutual consent under Section 13 (1) (b) of the Hindu Marriage Act, is presented to the Court of Civil Judge, Senior Division, Ahmednagar, as agreed between the parties.

4 Since the applicant-husband has expressed his inability to deposit sum of Rs.5,40,000/-, as agreed between the parties, there were fresh negotiations between the parties and now it has been decided that wife would relinquish claim for receiving further sum of Rs.5,40,000/-, as agreed under the earlier settlement arrived at between the parties. Respondent No.2-wife would be satisfied with an amount of Rs.5,00,000/-, which amount has already been deposited in the Court of Civil Judge, Senior Division, Ahmednagar, towards permanent alimony. Respondent No.2-wife is present in person and has consented for new terms of agreement. The draft of terms of settlement arrived at between the parties, after fresh negotiations, whereunder wife has relinquished her claim for receiving further sum of Rs.5,40,000/- is placed on record. The revised draft of settlement, as per the fresh negotiations arrived at between the parties is duly signed by the parties and learned Counsel for the parties. Same is taken on record and marked "X" for identification.

5 It would be open for the parties to act upon fresh

terms of settlement arrived at between the parties, marked "X" for identification.

6 In view of above, Criminal Application No.348 of 2016 stands disposed of.

K.L.WADANE
JUDGE
adb/crappln34816

R.M.BORDE
JUDGE