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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
FAMILY COURT APPEAL NO.166 OF 2014

Mrs.Sandhya Jitendra Mishra ...Appellant
vs.
Jitendra Shivbihari Mishra ...Respondent

Mr.Diwakar R. Singh for the Appellant
Mr.Satyan N. Vaishnav a/w Ms Nupur J. Mukherjee i/b
M/s.N.N.Vaishnawa for the respondent

CORAM : A.S.OKA, &
 A.A.SAYED, JJ.
DATE : JULY 25, 2016

P.C.:

1 Called out in the Chamber. The appellant and the respondent as well as their respective Advocates are present in the Chamber. The consent terms duly signed by the appellant and the respondent as well as their respective Advocates are taken on record and marked 'A-1' for identification. The appellant and the respondent who are personally present in the Chamber state that they accept the correctness of the contents of the consent terms. They pray that a decree be passed in terms of the consent terms.

2 As per the consent terms, the parties have agreed that the decree in terms of clause (2) of the operative part of the impugned Judgment and Decree be confirmed. However, a provision is made to modify other part of the decree. The learned counsel for the respondent-husband states that the

Criminal Appeal No.151 of 2013 filed by him before the Sessions Court at Mumbai will be withdrawn in the light of the settlement. The learned counsel for the appellant-wife states that the complaint filed by her before the Metropolitan Magistrate under section 12 of the Protection of Women from Domestic Violence Act, 2005 which is referred in clause (4) of the consent terms will be disposed of in terms of these consent terms and she will not prosecute the complaint any further.

3 The appellant-wife has received a sum of Rs.25,00,000/- (Rupees twenty five lac) by way of demand drafts and/or pay orders, copies of which have been annexed to the consent terms.

4 Undertaking of the appellant-wife recorded in paragraph 7 of the consent terms and aforesaid statements recorded in paragraph 2 above deserve to be accepted.

5 Accordingly, we pass the following order:

- (I) The decree of divorce passed by the learned Judge of the Family Court under clause (2) of the operative part of the impugned Judgment and Decree is hereby confirmed;
- (II) Rest of the Decree stands modified in terms of the consent terms which are taken on record and marked 'A-1' for identification;
- (III) The statements of the parties which are recorded above as well as the undertaking of

the appellant recorded in clause (7) of the
consent terms are accepted;

(IV) Decree be drawn in terms of the consent
terms;

(V) Family Court Appeal is disposed of.

(A.A.SAYED,J.)

(A.S.OKA,J.)