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

**CIVIL APPLICATION No. 303 OF 2016
IN
FAMILY COURT APPEAL No. 9 OF 2014**

Nitin Bhausaheb Bankar **...Applicant/Appellant**
Vs.
Jyostna Nitin Bankar **...Respondent**

Ms. Tanaya Goswami i/b. Sudam Kale, for the Applicant /Appellant
Mr. Girish Agrawal, for Respondent No.1

**CORAM : V. M. KANADE &
Ms. NUTAN D. SARDESSAI, JJ.**

DATE : DECEMBER 21, 2016

P.C. :

1. In this application, the Applicant is seeking the following reliefs:

“(a) This Hon'ble Court be pleased to allow the present Application and marriage between Applicant and Respondent be declared as dissolved upon such terms and conditions as this Hon'ble Court may deem fit and proper in the interest of justice.

(b) Such other order, as this Hon'ble Court may deem fit and proper in the facts and circumstances and in the interest of justice may be passed in favour of the Applicant.”

2. In our view, since the appeal is pending, granting of interim relief sought by the Applicant, practically amounts to granting of final relief. The parties have not settled the dispute among themselves and, as such, petition for divorce by mutual consent cannot be granted. Reserving the right of the Applicant to apply again, the civil application is disposed of.

Sd/-

Ms. NUTAN D. SARDESSAI, J.

Sd/-

V.M. KANADE, J.

Vinayak Halemath