

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO. 289 OF 2006

NAVNATH YADAV GAGARE
VERSUS
PORNIMA W/O NAVNATH GAGARE

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Advocate for Appellant : Mrs. Priyanka Sawaji, h/f Mr. S. S. Thombre.
Advocate for Respondent : Mr. S. S. Kadale.

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CORAM : **V. K. JADHAV, J.**
DATE : 12th January, 2017.

ORDER:

. The compromise pursis signed by both the parties is placed on record and the contents of the compromise are also verified by order dated 26th October, 2016.

2 The Appellant had preferred Hindu Marriage Petition No.42 of 2004 under Section 13 of the Hindi Marriage Act seeking dissolution of the marriage by a decree of divorce. The learned Civil Judge Senior Division, Ahmednagar by judgment and order dated 25th November, 2005 dismissed the said petition with costs.

3 During the pendency of the appeal, the parties were referred for mediation and the parties to the appeal amicably settled their dispute on the grounds as stated in the compromise pursis, which is marked as 'X' for identification.

4 The Respondent / wife on acceptance of the amount of Rs.10,00,000/- for herself and her daughter Devyani agreed that she will not claim any share in the property nor they would be entitled to claim any maintenance and further the Respondent / wife also agrees and gives her consent to allow the present first appeal and pass the decree of divorce thereby dissolving the marriage.

5 In view of the aforesaid compromise and the specific contents about the dissolution of marriage by a decree of divorce, I proceed to pass the following order:

ORDER

- I. The first appeal is hereby allowed.
- II. The judgment and order passed by Civil Judge Senior Division, Ahmednagar dated 25th November, 2005 in Hindu Marriage Petition No.42 of 2004, is hereby quashed and set aside.
- III. Hindu Marriage Petition No.42 of 2004, is hereby allowed in terms of the compromise pursis filed before this Court marked 'X' for identification.

- IV. The marriage between the parties is hereby dissolved by a decree of divorce.
- V. Decree be drawn accordingly.
- VI. In the circumstances, there shall be no order as to the costs.
- VII. Appeal is accordingly disposed of.

[V. K. JADHAV, J.]

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