

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 164 OF 2014
IN
PETITION NO. A-2336 OF 2009**

Atul Kirtikumar Shah

.. Appellant
(Ori. Petitioner)

Vs.

Neha Atul Shah

.. Respondent
(Ori. Respondent)

**WITH
FAMILY COURT APPEAL NO. 169 OF 2014
IN
PETITION NO. C-257 OF 2003**

Atul Kirtikumar Shah

.. Appellant
(Ori. Respondent)

Vs.

Neha Atul Shah

.. Respondent
(Ori. Petitioner)

**WITH
CIVIL APPLICATION NO. 124 OF 2015
IN
CROSS OBJECTION ST. NO. 26593 OF 2014
IN
FAMILY COURT APPEAL NO. 169 OF 2014**

Neha Atul Shah

.. Applicant

Vs.

Atul Kirtikumar Shah

.. Respondent

**WITH
CROSS OBJECTION ST. NO. 26593 OF 2014
IN
FAMILY COURT APPEAL NO. 169 OF 2014
IN
PETITION NO. C-257 OF 2003**

Atul Krtikumar Shah

.. Appellant

Vs.

Neha Atul Shah

.. Respondent /
Cross Objector

....

Mrs. Sonal Parab i/b Mr. Rajeev Sawant and Associates for the appellant in both the Appeals i.e. Family Court Appeal Nos. 164 of 2014 and 169 of 2014 and Respondent in Civil Application No. 124 of 2015 and in Cross Objection St.No. 26593 of 2014.

Ms. Deepal Thakkar i/b Snehal Khairnar i/b Satish Maneshinde Advocate for Respondent in both the Appeals i.e. Family Court Appeal Nos. 164 of 2014 and 169 of 2014 and for Applicant in Civil Application No. 124 of 2015 and for Cross Objector in Cross Objection St.No. 26593 of 2014.

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**CORAM : SMT.V.K.TAHILRAMANI &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

**DATED : OCTOBER 09, 2017
IN CHAMBER AT 2.45 P.M.**

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, J.]:

1 Heard the learned counsel for the parties. Both the parties i.e. husband and wife are present before this Court.

2 Family Court Appeal No. 164 of 2014 and Family Court Appeal No. 169 of 2014 have been preferred by the appellant - husband as the petition of the husband for divorce on the

ground cruelty and desertion was dismissed by the Family Court, Bandra Mumbai and wife's petition for maintenance was partly allowed and the daughter was granted maintenance in the sum of Rs.15,000/- plus educational, medical and other expenses, however, the claim for maintenance of the wife was rejected, hence, the wife has filed Cross Objection i.e. Cross Objection St. No. 26593 of 2014 in the appeal preferred by the husband. The wife has also filed Civil Application No. 124 of 2015 in the Cross Objection for enhancement of the maintenance granted to the daughter.

3 It is stated that the parties have arrived at compromise and the parties have tendered the consent terms which are taken on record and marked “**X**” for identification. It is further stated that the consent terms have also been tendered in the Court of the learned Metropolitan Magistrate, Esplanade Court, Mumbai in CC.No. 120/PW/2004 and the xerox copy of the said consent terms have been annexed as **Annexure-A** to the consent terms which are tendered before this Court in these matters. It is further stated that the consent terms tendered before the Court of M.M. Esplanade Court,

Mumbai are in consonance with the consent terms tendered in these matters. The parties state that they have voluntarily signed the consent terms tendered in this Court as well as in the Court of Metropolitan Magistrate, Esplanade Court, Mumbai. It is stated that the parties agreed to dissolve the marriage between the parties by mutual consent. In view of the consent terms, the marriage between the parties is dissolved by mutual consent. Undertakings given in the consent terms are accepted.

3 In view of the consent terms, Family Court Appeal No. 164 of 2014 is disposed of and Family Court Appeal No. 169 of 2014 is allowed to be withdrawn and is disposed of as such. In view of the disposal of the Family Court Appeal No. 169 of 2014, Civil Application No. 124 of 2015 and Cross Objection St.No. 26593 of 2014 do not survive and the same are also disposed of as such.

[DR. SHALNI PHANSALKAR-JOSHI, J.]

[SMT.V.K.TAHILRAMANI, J.]