

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 652 OF 2017****WITH****CIVIL APPLICATION NO. 1203 OF 2017****ALONGWITH****SECOND APPEAL NO. 653 OF 2017**

Mrs. Priya Sameer Joshi

... Appellant

Versus

Mr. Sameer Bajirao Joshi

... Respondent

Adv.Ms.Priya Joshi, Ms.Prerana Janvekar and Ms.Anita Murgude for the Appellant/Applicant.

Mr.Amrut Joshi a/w. Nikhil Mishra for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 18th AUGUST, 2017

(In chamber)

P.C.:

1. Heard the Learned Advocates for the parties as well as the parties who are present in Court and the following order is passed, by consent.

(i) The Respondent undertakes to pay an amount of Rs.10,00,000/- to the Appellant-wife in full and final settlement of all her claims against him.

(ii) The Respondent undertakes to pay an amount of Rs.10,00,000/- as set out hereunder :

(a) Rs.4,00,000/- on or before 31.08.2017,

(b) Rs.1,00,000/- on or before 30.09.2017,

(c) Rs.1,00,000/- on or before 31.10.2017,

- (d) Rs.1,00,000/- on or before 30.11.2017,
- (e) Rs.1,00,000/- on or before 31.12.2017,
- (f) Rs.1,00,000/- on or before 31.01.2018, and
- (g) Rs.1,00,000/- on or before 28.02.2018.

(iii) In addition to the above sum of Rs.10,00,000/-, the Respondent shall on or before 31st August, 2017 pay a sum of Rs.10,000/- to the Appellant-wife.

(iv) The Respondent undertakes to issue 8 post-dated cheques aggregating to Rs.10,10,000/- (Rupees Ten Lakhs Ten Thousand only) to the Appellant at C/o.Mr.Prakash Balwant Apte, A/5, Pink Palace Kolhapur Road, Sangli – 416 416, so as to reach her on or before 24.08.2017.

(v) The Respondent undertakes to this Court that cheques issued by him to the Appellant shall be honoured upon presentation for payment by her.

(vi) The Respondent undertakes not to sell, alienate, part with possession or create third party right in respect of the shop premises being Shop No.10, Datta Sheela Arcade, Opp. Civil Hospital, Ratnagiri – 415 612.

(vii) The parties agree that save and except what is recorded herein, they shall have no claim of whatsoever nature against each other.

(viii) All the allegations made by the parties against each other are unconditionally withdrawn.

(ix) If any complaint/proceedings filed by either party is pending, the same

shall in view of this order stand withdrawn and if required, the parties shall approach the Court/Authority before which such complaints/proceedings/cases are pending, and withdraw the same.

(x) The above Second Appeals are unconditionally withdrawn by the Appellant, however, in the event of any cheque issued by the Respondent to the Appellant being dishonoured, the same shall revive and stand restored to file.

(xi) All undertakings are accepted.

(x) Liberty to apply.

2. The above Second Appeal No.652 of 2017 alongwith Civil Application No.1203 of 2017 and Second Appeal No.653 of 2017 are accordingly disposed off.

(S.J.KATHAWALLA, J.)