

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.304 OF 2016

(Pravin s/o Shripatrao Sheware ..vs.. Alka w/o Pravin Sheware)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 27-01-2017

The petitioner who appears in person was not present on 09-01-2017. The matter was adjourned. Today when the matter was called out in the morning session, the petitioner was not present. The matter was kept back. In the afternoon session again when the matter is called out, the petitioner is not present.

2. The petitioner has challenged the order passed by the Family Court on 04-05-2013 dismissing the execution proceedings filed by the petitioner. The petitioner claimed that in matrimonial dispute, Petition No.A-473/2011 which was filed by the petitioner praying for decree for dissolution of marriage, the parties entered into a compromise before the Marriage Counsellor and the terms of the compromise were reduced in writing which was produced on record as Exhibit No.11 and as per the compromise, it was agreed that the present petitioner shall give an amount of Rs.1,28,000/- to the respondent/wife in cash and balance amount of

Rs.32,000/- by cheque, that the parties did not act upon the consent terms and therefore, the Court passed an order directing the wife to refund the amount received by her, that the wife had filed an application expressing desire to abide by the consent terms and praying that the marriage be dissolved and then the petitioner and respondent filed joint pursis on 07-11-2012 stating that the petitioner was ready to deposit Rs.50,000/- and as the petitioner had earlier paid an amount of Rs.1,28,000/- to the respondent/wife, she would not claim any maintenance in future and the petitioner would not claim amount of Rs.1,28,000/- from the respondent/ wife. After considering the above facts, the Family Court dismissed the execution proceedings filed by the petitioner for recovery of the amount of Rs.1,28,000/- from the respondent/wife. In the petition which runs into twenty-eight pages, the petitioner has not able to make out any ground which necessitates interference in the extra-ordinary jurisdiction.

3. The petition is dismissed. No costs.

JUDGE

adgokar