

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9 SECOND APPEAL NO. 261 OF 2015

RAHUL ROHIDAS PACHARNE
VERSUS
JAYSHRI RAHUL PACHARNE

...
Advocate for Appellant : Mr. Chandrakant K. Shinde
Advocate for Respondent sole : Mr. V.P.Narwade and Mr. Manjushri V Narwade
...

CORAM : V.L. ACHLIYA, J.

DATE : 24th SEPTEMBER, 2018.

PER COURT:

The appellant and respondent are present alongwith their respective advocates and submit that they have resolved the matrimonial dispute. The compromise pursis filed by the appellant and respondent are taken on record and marked "Y" for identification.

2. The appellant and respondent admit their respective signatures on the terms of compromise. They further admit that they are not pressurized to compromise the matter and they have entered into compromise out of their free will.

3. The terms of compromise/compromise pursis is signed by the appellant, respondent and their respective Advocates. The parties also appeared before the Registrar (Judicial) for identification and verification. After due verification and ascertaining the proof of identity, the Registrar (Judicial) has submitted a report. The report of Registrar (Judicial) is marked as "Z" for identification. The parties present submit that as per the settlement arrived at between them, they have decided to settle the

matrimonial dispute. They have decided to dissolve the marriage between them. The other issues relating to custody of child and alimony are also resolved by them in terms of compromise.

4. Perusal of the terms of compromise spell out that the appellant and respondent were married on 28.5.2006 at Ahmednagar as per the Buddha Rites. The respondent left the matrimonial house on 22.12.2006 on account of matrimonial dispute. The appellant had filed H.M.P. No. 16 of 2007 for restitution of conjugal rights and in the alternative for a decree of divorce on the ground of desertion. By judgment and order dated 27.2.2013, the decree of divorce came to be passed. In the appeal filed by respondent - wife, vide R.C.A. No. 118 of 2013, the judgment and decree of divorce came to be reversed by the appellate Court vide judgment and order dated 16.3.2015. It leads to filing of this appeal by the appellant - husband as against respondent/wife. During the pendency of this appeal, the parties have decided to amicably settle the dispute. In terms of compromise, the appellant and respondent have decided to mutually get the judgment and decree passed in R.C.A. No. 118 of 2013 by District Judge-3, Ahmednagar to be set aside and the judgment and decree dated 27.2.2013 passed by the Civil Judge (Senior Division) at Ahmednagar in H.M.P. No. 16 of 2007 dissolving the marriage between appellant & respondent deserves to be confirmed.

5. In my view, the compromise between the parties appears to be genuine & voluntary. The settlement between parties would lead to resolution of all the disputes between the parties. Hence, I am inclined to accept the compromise and pass the following order.

-: ORDER :-

[a] By consent, appeal is admitted.

- [b] The appeal is allowed & disposed of in terms of compromise pursis filed as "Y" for identification.
- [c] In terms of the compromise, the judgment and order dated 16.3.2015 passed in RCA No. 118 of 2007 by District judge-3 Ahmednagar is set aside & the decree of divorce dated 27.2.2013 passed by Civil Judge Senior Division, Ahmednagar in H.M.P. No. 216/2007 stands confirmed.
- [d] The marriage between the appellant and respondent stands dissolved in terms of compromise pursis with immediate effect.
- [e] Decree be drawn up accordingly.
- [f] Appeal stands disposed of in above terms with no orders as to costs.

[V.L. ACHLIYA]
JUDGE.

grt/-