

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 404 OF 2017
WITH
CIVIL APPLICATION NO. 7023 OF 2017

Vinayak s/o Murlidhar Shidore ...Appellant

Versus

Anita w/o Vinayak Shidore ...Respondent

Mr. A.G. Ambetkar, Advocate for Appellant
Mr. P.A. Bharat, Advocate for Respondent (sole)

WITH
SECOND APPEAL NO. 394 OF 2017

Anita w/o Vinayak Shidore ...Appellant

Versus

Vinayak s/o Murlidhar Shidore ...Respondent

Mr. P.A. Bharat, Advocate for Appellant
Mr. A.G. Ambetkar, Advocate for Respondent (sole)

CORAM : A.M. DHAVAL, J.
DATE: 31st OCTOBER, 2018

ORAL ORDER :

1. The parties in these counter-appeals are husband and wife. There is a decree of divorce passed by the First Appellate Court, and there was grant of maintenance of Rs.3,000/- per month. The parties agree to abide by the decree of divorce and instead

of maintenance amount, the wife agrees to receive Rs. 1,00,000/- as lumpsum payment. Son - Shriram and daughter - Swaranjali are to be maintained by Vinayak, who shall be entitled to their custody. The terms are verified by the parties in presence of their advocates. Both the parties admit each and every term put to them. Hence, the compromise terms are accepted.

2. On instructions, the learned advocate for the appellant files withdrawal pursis in Second Appeal No. 394/2017 signed by the appellant. The Second Appeal No. 394/2017 stands disposed of as withdrawn.

3. In view of the compromise terms marked Article 'X', the Second Appeal No. 404/2017 stands partly allowed.

4. The order of grant of maintenance of Rs. 3,000/- per month is set aside and as per the compromise terms, the appellant - husband shall pay to the wife Rs. 1,00,000/- as lump-sum permanent alimony. The custody of the children and liability to maintain them, shall be of the appellant - husband.

5. Copy of compromise terms Article 'X' be kept in Second Appeal No. 394/2017 and original be kept in this appeal. Both the appeals shall stand disposed of in terms of compromise pursis as referred above.

6. The amount of Rs. 30,000/- deposited in the Court, shall be paid to the wife and the same shall be adjusted from the lump-sum agreed amount of Rs. 1,00,000/-. The remaining balance is reported to be paid.

7. It is clarified that the decree of divorce passed by learned First Appellate Court stands confirmed and the marriage stands dissolved from the date of this order.

**(A.M. DHAVALA)
JUDGE**

mta