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FCA-162-2015 (SR.11)

Thursday, 15.2.2018

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 162 OF 2015

ARISING OUT OF

M.J. PETITION NO. A-2528 OF 2009

ALONGWITH

CIVIL APPLICATION NO. 225 OF 2015

IN

FAMILY COURT APPEAL NO. 162 OF 2015

Mrs. Hina Sameer Poddar

....Appellant

(Orig. Respondent)

V/s.

Mr. Sameer Poddar

....Respondent

(Orig. Petitioner)

* * * * *

Mr. Sagar Ambedkar, Advocate for the appellant.

Mr. Rajesh Singh i/by. Rajesh Singh and Associates,
Advocate for the respondent.

CORAM :-

R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

15TH FEBRUARY, 2018.

P.C. :-

1. In the above Family Court Appeal, the parties

have arrived at a settlement which is reduced into writing by way of Consent Terms bearing today's date i.e. 15th February, 2018. The Consent Terms have been signed by the Learned Advocate for the appellant and the Learned Advocate for the respondent, as well as, the appellant and the respondent. The Consent Terms, inter-alia, contained a term as regards the payment of the balance alimony amount, as also, the withdrawal of the various proceedings by the appellant, wife. The appellant, wife has also filed an Affidavit-cum-Undertaking also bearing today's date and sworn before the Notary Public, Mr. Bidhu Panicker and bears the Notarial Register No. 1329 of 2018 in Book No.2. By the said Undertaking, the appellant, wife has undertaken to withdraw/consented to quashing C.C. No.39/PW/2010 as also withdraw Petition No.100031 of 2012 filed under Section 125 Criminal Procedure before the Family Court, Bandra (Mumbai) and Criminal Application No.14 of 2011 filed under Section 12 of the Protection of Women from Domestic Violence Act pending the on the file of Metropolitan Magistrate, 22nd

Court, Andheri, Mumbai. The said Undertaking is annexed to the said consent terms as Exhibit-1. The consent terms, alongwith the Undertaking is paginated from one to eight. The appellant, Hina Poddar is personally present in the Court. She is identified by the Learned Counsel , Mr. Ambedkar. She is also identified by her Aadhar Card bearing No. 3299 4673 9623. When put in the box and queried, she states that, she has read the consent terms, as well as, the Undertaking both bearing today's date i.e. 15th February, 2018. She further states that, she has signed the Consent Terms, as well as, the Undertaking of her own free will and volition.

2. The respondent, husband Sameer Potdar is also personally present in the Court. He is identified by Learned Counsel Mr. Rajesh Singh. He is also identified by his Aadhar Card bearing No. 4882 7303 2460. When put in the box and queried, he states that, he has read the Consent Terms and understood the same and that he has signed the consent terms of his own free will and volition. The Undertaking in the Consent Terms are also accepted.

The Family Court Appeal is disposed of in terms of the consent terms which are marked as 'X' for identification.

3. In view of disposal of the Family Court Appeal, Civil Application No. 225 of 2015 has turned infructuous. The same is accordingly disposed of as having turned infructuous.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)