

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FAMILY COURT APPEAL NO.95 OF 2018
WITH
CIVIL APPLICATION NO.147 OF 2018**

Nanda Dhananjay Kokane
(Formerly Ms.Nanda Suresh Shinde) .. Appellant

V/s.

Dhananjay Narayan Kokane .. Respondent

Mr.Subhash B. Rajora for the appellant

Ms.Rekha Musale i/b Mr.Rajesh A. More for the respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : JUNE 26, 2018

PC. :

1 Heard the learned counsel for the parties.

2 By this Family Court Appeal, the appellant wife is challenging the judgment and decree dated 24.1.2018 passed by Family Court No.1, Pune in a Petition No.A-1286 of 2013 allowing Respondent Husband's Petition for divorce under section 13(1)(i-a) of the Hindu Marriage Act, 1955.

3 Family Court Appeal was admitted by this court on 5.6.2018. Today Civil Application is shown on board for hearing. After hearing for some time, both the counsel submit that the impugned judgment and decree passed by the Family Court be set aside by consent and matter may be remanded to the Trial Court for deciding on its own merits after giving full opportunity to the appellant wife to file her written statement and also the evidence of both the parties, if any. To that effect, both the parties filed Consent Terms dated 26.06.2018.

4 Both the counsel submit that appellant as well as Respondent are present in court. They entered into the witness box. They admit the contents of consent terms and execution thereof. Same is taken on record and marked 'X' for identification. Same is accepted. By consent, following order is passed:

a) Impugned judgment and decree dated 24.1.2018 passed by Family Court No.1, Pune in Petition No.A-1286 of 2013 allowing Respondent husband's petition for divorce under section 13(1)(i-a) of the Hindu Marriage Act, 1955 is set aside.

b) Petition No.A-1286 of 2013 filed by the Respondent husband in the Family Court No.1, Pune is restored on file for hearing on its own merits.

c) Both the parties to remain present before the Trial Court on 30.07.2018 for fixing date of hearing.

- d) Appellant wife to file her written statement before the Trial Court on or before 31.08.2018 with copy to other side.
- e) Both the parties are permitted to lead evidence in support of their case, if they so desire .
- f) Family Court is directed to decide Petition A-1286 of 2008 on its own merits.
- g) Family Court Appeal as well as Civil Application stand disposed of accordingly.
- h) No order as to costs.
- i) We expect Family Court to decide Petition No.A 1286 of 2013 as early as possible but in any case on or before 31.12.2018.

Parties to act on authenticated copy of this order.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)