

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 114 OF 2018

WITH

CIVIL APPLICATION NO. 170 OF 2018

IN

FAMILY COURT APPEAL NO. 114 OF 2018

Ammol J. Tiwaarrie

..Appellant

Vs.

Mrs Anjali A. Tiwari

..Respondent

Mr. Kalpesh U. Patil, for the Appellant.

Mr. Shantibhushan Nirmal i/b Profess Law Associate, for the Respondent.

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

DATE :- JULY 25, 2018.

P. C.:

Heard. By this Family Court Appeal the Appellant husband is challenging the order dated 16th March, 2018 passed by the Family Court, Pune below Exhibit-1 in Petition No. PA. 804/2016 by which Family Court dismissed the Appellant's petition under Order 39 Rule 11 of the Code of Civil Procedure, 1908 for non compliance of the interim order i.e payment of maintenance charges.

Anjali
Tushar
Aswale

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Anjali Tushar
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2 During the course of argument, the learned counsel for the Appellant, after taking instructions from his client, makes a statement before this Court that he is ready and willing to pay the entire maintenance charges. The learned counsel for the Appellant today only handed over bankers' cheque of Rs. 24,000/- to the Respondent's advocate. The learned counsel for the Respondent, after taking instructions from his client, makes a statement that he has received the entire maintenance charges up to June, 2018. He submits that they have no objection to set aside the order dated 16th March, 2018 passed by the Family Court and remanding the matter for hearing on its own merits.

3 Both parties filed consent terms dated 25th July, 2018 duly signed by the Appellant as well as the Respondent and their Advocates. Same is taken on record and marked "X" for identification. The Appellant as well as the Respondent entered into witness box. They admit the contents of the said consent terms and also the execution thereof.

4 Family Court Appeal stands disposed of in terms of consent terms. Consent terms be treated as part and parcel of the decree.

5 In view of disposal of the Family Court Appeal by consent terms, nothing survives in Civil Application No. 170 of 2018. Hence the same stands disposed of as infructuous. No order as to costs.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)