

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.667 OF 2011

Rajendra Tukaram Ahirrao	 Appellant
V/s.	
Jayashri Pramod Patil @ Jayashri	
Rajendra Ahirrao and Ors.	 Respondents

ALONG WITH
CIVIL APPLICATION NO.1418 OF 2017
IN
SECOND APPEAL NO.667 OF 2011

Jayashri Pramod Patil @ Jayashri	
Rajendra Ahirrao and Ors.	 Applicant
<i>In the matter between</i>	
Rajendra Tukaram Ahirrao	 Appellant
V/s.	
Jayashri Pramod Patil @ Jayashri	
Rajendra Ahirrao and Ors.	 Respondents

Mr. Milind Sathaye for the Appellant in SA/667/2011.

Mr. Anilkumar K. Patil for the Respondents in SA/667/2011 and for the Applicants in CAS/1418/2017.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Sathaye, learned counsel for the Appellant, and Mr. Patil, learned counsel for the Respondents-Applicants.

2. This Second Appeal is directed against the 'Judgment and Decree' dated 30th April 2011, passed by the Court of District Judge-6, Nashik, in Regular Civil Appeal No.131 of 2010, thereby setting aside the 'Judgment and Decree' dated 22nd June 2010 passed by the Extra Joint Civil Judge, Senior Division, Nashik, in Regular Civil Suit No.150 of 2007.

3. It is submitted that, Appellant is husband and Respondent No.1 is wife. They had filed the Petition for divorce, which was granted by the Trial Court; however, the said 'Decree of Divorce' was set aside by the District Court in the First Appeal; hence, the Second Appeal.

4. As regards Respondent Nos.2, 3 and 6, they are now sought to be deleted and hence, the permission is granted to delete their names from the Appeal Memo and Civil Application thereto. Amendment to be carried out forthwith.

5. Appellant and Respondent Nos.1, 4 and 5 are present before the Court and admits the contents of the 'Consent Terms'. Their counsels are also present before the Court. As per the 'Consent Terms', it is agreed that, the marriage between the Appellant and Respondent No.1 stands dissolved by way of mutual consent. The custody of the minor child will remain with the mother and the father will get the right of access and visitation.

6. 'Consent Terms' also records that, Respondent Nos.4 and 5 would withdraw the criminal cases filed against the Appellant. Both the parties are accepting these Consent Terms and also the fact that, Appellant has handed over a Demand Draft of Rs.5,00,000/-, drawn in favour of the child Aditya @ Sujal.

7. In view thereof, the Appeal stands disposed off.

8. The 'Decree' be drawn in terms of the 'Consent Terms', which are marked as 'Exhibit-A'.

9. The marriage between the Appellant and Respondent No.1 stands dissolved by mutual consent with effect from the date of this order.

10. In view of the above, Civil Application No.1418 of 2017 pending in the Appeal does not survive and the same stands disposed off as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]