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

CIVIL APPLICATION NO. 99 OF 2018  
IN  
FAMILY COURT APPEAL (ST) NO. 24668 OF 2017  
WITH  
FAMILY COURT APPEAL (st) NO. 24668 OF 2017

Kainat Abid Hussain ...Applicant-Appellant  
vs  
Mr Abid Hussain ...Respondent.

.....  
Mr Saeed Akhtar with Rehan Ansari with Pinny Pathak with  
Khushnood Akhtar for the Applicant-Appellant.  
Mrs Poonam Ankaleshwaria with Mikdad Aziz Zumrnerwala  
for the Respondent.

Dhanappa  
Irappa  
Koshti  
Digitally  
signed by  
Dhanappa  
Irappa Koshti  
Date:  
2018.08.20  
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.....  
**CORAM : K.K.TATED, &  
B.P.COLABAWALLA, JJ.  
AUGUST 14, 2018.**

**P.C. :**

Heard learned counsel for parties.

2 By this Family Court Appeal the appellant - wife is  
challenging the Judgment and Decree dated 8<sup>th</sup> April, 2013  
passed by the Family Court 3, Mumbai in Petition No. A-1186 of  
2011 and also the order dated 6<sup>th</sup> April, 2017 below Exh.1 in  
Application No. 140 of 2013.

3 After arguing for some time, both the counsel filed  
the Minutes of Consent Terms dated 14<sup>th</sup> August, 2018 duly  
signed by both the advocates. The same reads thus-

**“MINUTES OF CONSENT TERMS**

- (1) The parties hereto have arrived at the following terms for the disposal of the entire appeal by mutual consent at the admission stage itself which are as follows;
- (2) The parties hereto agree to set aside the ex-parte decree dated 8<sup>th</sup> April, 2013 and the matter is remanded back to the Family Court to decide the Family Court Petition bearing No. A-1186 of 2011 for hearing expeditiously, preferably within one year of the receipt of the order.
- (3) The parties are at liberty to file their respective pleadings, documents and evidence before the Family Court and the Family Court is directed to decide the petition on merits by giving the full opportunity to both the parties.
- (4) No order as to cost.”

The same is taken on record and marked “X” for identification.

4           The Family Court Appeal as well as Civil Application stands disposed of in terms of the Minutes of Consent Terms.

5           In view of this order, the delay in preferring the Family Court Appeal stands condoned.

6           The parties to act on the authenticated copy of this order.

**(B.P.COLABAWALLA, J.)**

**( K.K.TATED, J.)**