

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL NO. 286 OF 2015

Ganesh Vasant Yelmame ...Appellant  
*Versus*  
Ujwala Ganesh Yelmame ...Respondent

Mr. Amey Deshpande, a/w Mr. Gaurang Jhaveri, for the  
Appellant.  
Mr. Girish Agrawal, for the Respondent.

CORAM: N. M. Jamdar, J  
DATED: 10 January, 2018

**Oral Order:-**

1. On 27 June, 2017 the learned Single Judge (S.J. Kathawalla, J.) passed following order by consent of the parties.

“1. Heard the learned Advocates for the parties and  
by consent, the following order is passed :

(i) The Appellant shall pay an amount of  
Rs.10,00,000/- to the Respondent wife as  
follows :

(a) Rs.5,00,000/- shall be paid on or  
before 1st August, 2017;

(b) Rs.5,00,000/- shall be paid in  
installment of Rs.1,00,000/- per  
month starting from September,  
2017. Each of the installment of

Rs.1,00,000/- shall be paid on or before 5th day of each month. The last installment shall be on or before 5th January, 2018.

(ii) The Appellant has given an undertaking in writing that he shall pay the amount of Rs.10,00,000/- as set out hereinabove. The undertaking is accepted.

(iii) The said amount shall be paid in full and final settlement of the claims towards permanent alimony payable to the Respondent and maintenance payable to the minor son.

(iv) Until the entire amount is paid, the Appellant shall continue to pay the monthly maintenance paid to the Respondent amounting to Rs.5,500/-.

(v) Upon the entire amount being deposited in Court, the same shall be handed over to the Respondent, who shall invest the same in a fixed deposit of a nationalized bank and use the same with interest accrued thereon for the further education of the minor son.

(vi) Upon the entire amount being paid, this Court shall pass an order allowing the above Appeal. Liberty is granted to the parties to move this Court for placing the above Second Appeal on board upon the entire amount being deposited in Court and handed over to the Respondent.

Stand over to 10th January, 2018.”

2. The learned Counsel for the parties inform that the above order has been complied with and the amount has been deposited. The Respondent will be entitled to withdraw the amount and invest the same in a fixed deposit of a nationalized bank and use the amount with interest accrued thereon for further education of the minor son. The amount deposited will be permitted to be withdrawn by the Respondent upon an undertaking/Affidavit filed by the Respondent that the Respondent will abide by clause (v) of the order dated 27 June, 2017. The Registry after scrutinizing that the Affidavit/undertaking is in order, will permit the Respondent to withdraw the amount. The Respondent is put to notice that non-compliance with the undertaking as per clause (5) of the order dated 27 June, 2017, will be viewed seriously and will amount to contempt of Court.

3. The learned Counsel for the parties, on instructions, assure the Court that, in view of this amicable settlement, the parties will withdraw the cases filed by them against each other. The learned Counsel for the parties also agree that they will produce the copy of this order before the Court where the proceedings are pending, so that order can be passed by that Court for withdrawal, as per law.

4. The learned Counsel for the parties state that in view of this position nothing survives in the Second Appeal and the Second Appeal be disposed of.

5. The Second Appeal is disposed as above and in terms of order dated 27 June 2017.

[N. M. JAMDAR, J.]