

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE P.R.BORA,
HELD ON 17th MARCH, 2019
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD

WRIT PETITION NO. 8469 OF 2018

PALLAVI TRYIMBAK NOMULWAR
VERSUS
ROHIT PRAKASH KARHADKAR

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Advocate for the Petitioner : Mr. S.V. Gundre
Advocate for the Respondent : Mr. R.B. Narwade

...

ORDER

. Not on board. Taken on board.

2. Parties to the present writ petition accompanied by their respective counsel are present before the panel.

3. It is submitted that the petitioner has filed the present writ petition for setting aside the decree of divorce passed by the Family Court at Nanded on 07.08.2015 in a petition for divorce by mutual consent bearing No. A-21/2015. It is the common contention of the petitioner and the respondent that the aforesaid petition was filed under the influence of the parents and family members of the petitioner and the respondent. It is further contended that neither the petitioner nor the respondent were intending to take divorce. It is further contended that though, the decree of divorce by mutual consent has been passed, the petitioner and the respondent have reunited and are leading a peaceful family life with their only son.

4. It is the joint submission of the petitioner and the respondent that since, the decree passed by the Family Court at Nanded was a result of undue influence on the parties from their family members, the said deserves to be set aside and quashed. The parties have therefore prayed for passing such order by consent.

5. The learned counsel for the parties relied upon the judgment of the Hon'ble Apex Court in the case of "**R. Rajanna Vs. S.R. Venkataswamy, (2015) AIR(SC) 706**" and the judgment delivered by the division bench of the High Court of Punjab and Haryana in the case of "**Sandeep Kaur Vs. Jagjit Singh**" in FAO-M No.205 of 2018 decided on 06.07.2018. With the assistance of the learned counsel for the parties, we perused the aforesaid judgments. Though we appreciate reunion of the parties, after having gone through the judgments relied upon by the learned counsel, it does not appear to us that filing of the present writ petition was an appropriate remedy in the matter. The learned counsel for the parties submitted that they have also realized that the appropriate remedy will be to approach the same Court, which has passed the decree of divorce to get the said decree set aside. Thereupon, both the learned counsel on instructions from their respective clients jointly made a request for disposing of the present writ petition so that they can avail appropriate remedy for getting the decree of divorce set aside.

6. Since, both the parties have jointly made a request for disposing of the present writ petition so that they can avail the appropriate remedy for getting the decree of divorce set aside, we do not find any difficulty in disposing of the present petition. It is

accordingly disposed of.

7. In view of the fact that the petitioner and respondent have reunited and intend to lead a peaceful family life with their only son, we hope and expect that the Competent Court would sympathetically consider the delay occasioned in approaching the said Court because of the pendency of the present writ petition before this Court.

(K.C. Sant)
Advocate
Member

(A.T.A.K. Shaikh)
D.J.(Retd.)
Member

(P.R.BORA, J.)
Head of the Panel

Date: 17.03.2019
Place: Aurangabad