

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

SECOND APPEAL No. 525 of 2019
WITH
CIVIL APPLICATION No. 10765 of 2019
IN
SECOND APPEAL No. 525 of 2019

Achutrao Ganpatrao Kale	... <u>Appellant</u>
<u>Versus</u>	
Kamalbai Achutrao Kale	... <u>Respondent</u>

Mr. Sudhir K. Chavan, Advocate for appellant.
Mrs. J.S. Aute, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 3rd September, 2019

ORAL ORDER:

1. The respondent in the present matter had filed a suit being Reg. civil suit No. 31 of 2010 claiming maintenance under section 18 of the Hindu Adoption and Maintenance Act, which vide judgment and decree dated 27th October 2010 came to be decreed by the learned Civil Judge (Junior Division), Purna Dist. Parbhani, by granting maintenance allowance at the rate of Rs. 4000/- per month to the plaintiff/respondent from the date of filing of the suit i.e. from 8th February, 2010. The original defendant/present appellant carried the appeal against this judgment in Reg. civil appeal No. 115 of 2013, which came to be dismissed by the learned District Judge 2, Parbhani, vide his

judgment and decree, dated 6th September 2018, against which the present second appeal has been filed.

2. During the pendency of the present appeal, the parties have come before the Court with compromise application dated 3rd September 2019, whereupon the Registrar (Judicial) of this Court was directed to verify the compromise and place it before the Court. Accordingly, the Registrar (Judicial) has verified the compromise and submitted the report regarding his satisfaction as to the verification of the terms of the compromise and identification of the parties. The compromise is taken on record and marked as 'X' for the purpose of identification. The parties were thereafter called by this Court and they are present before this Court in person and admit the terms of the compromise, as recorded in Exh. 'X'. The balance amount of Rs. 1,00,000/- (Rs. One lac only) has been paid by the appellant to the respondent, in the light of which the compromise is accepted and the decree is passed as follows:

3. In terms of the compromise, the respondent has agreed to accept lumpsum payment of Rs. 5,00,000/- (Rs.

five lacs only) in lieu of maintenance and gives up all her rights as against the appellant and the decree of the Trial Court accordingly stands modified in terms of the compromise dated 3rd September 2019, in so far as the terms relate to the subject matter of the suit.

4. In the circumstances, there will be no order as to costs.

5. In view of disposal of the second appeal by way of the compromise, the civil application does not survive and accordingly it is disposed of.

(AVINASH G. GHAROTE, J.)

Madkar