

4. Paragraph No.9 of the said affidavit reads thus;

“I say that I am not ready for the suggestion of the Respondent, hence, the consent terms be set aside and matter the first appeal no.39/2006 be restored to file with interim orders.”

5. On the other hand, the learned Counsel Mr.R.M. Pethe appearing on behalf of Respondent also submitted that it is not possible for both the parties to comply with the terms and conditions of the Consent Terms. Hence Consent Terms to be recalled and Family Court Appeal No.39/19 to be heard on its own merits.

6. Advocate for Respondent has filed application to that effect dated 29/11/2019. Same is taken on record and marked ‘X’ for identification. Same is accepted.

7. Hence by consent following order is passed:

(a) Order dated 06/09/2018 along with Consent Terms dated 06/09/2018 is recalled.

- (b) Family Court Appeal No.39/19 to be heard on its own merits.
- (c) Civil Application stands disposed of accordingly.
- (d) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)