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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FAMILY COURT APPEAL No. 234 OF 2018
WITH
CIVIL APPLICATION No. 348 OF 2018**

Smt. Priyanka Vivekanand Ghute ... Appellant
Vs.
Vivekanand Harishchandra Ghute ... Respondent

Mr. Chalchandra S. Shinde, for the Appellant.

Mrs. Pranali Sawant, for the Respondent.

**CORAM : INDRAJIT MAHANTY, &
SARANG V. KOTWAL, JJ.**

DATE : JANUARY 22, 2019

PC :

1. When the matter was taken up by us on 11th January, 2019, following order is passed:

“1] Heard learned counsel for the parties.

2] A joint affidavit has been filed by the Appellant as well as Respondent containing terms and conditions of settlement arrived at between the parties. The Affidavit is taken on record.

3] On the request of learned counsel for both the respective parties, matter be listed on 17th January, 2019 for compliance.”

2. Since the learned counsel appearing for both the parties sought an adjournment to ensure compliance of the terms of settlement arrived at between the parties. Accordingly, the matter was adjourned to 17th January, 2019. Today, the learned counsel appearing for both the parties as well as the parties appearing in person before us have submitted that the parties have taken steps in accordance with the terms of settlement and prayed that appeal may be disposed of in terms of the settlement arrived at between the parties, which read as under:

- “A. The Respondent has paid an amount of Rs. 4,50,000/- (Rs. Four Lacs Fifty Thousand Only) to Appellant by way of demand draft in her maiden name bearing No. 399239 drawn on Union Bank of India dated 16/01/2019 as one-time permanent alimony. The Appellant has accepted the said amount as full and final settlement and undertakes not to demand any further maintenance in future from the Respondent under any provisions of law.
- B. The Appellant undertakes and agrees not to claim any maintenance as per the court orders as she has accepted the amount mentioned in clause A above as full and final settlement and in lieu of maintenance orders already passed by Hon'ble Family Court and JMFC Court at Akola.
- C. The Appellant has withdrawn the criminal miscellaneous application bearing No. 482/2015 which was filed by her before Hon'ble JMFC at Akola on 15th January, 2019.

- D. The Appellant has handed over the permanent custody of son Master Sudarshan alias Soham to Respondent today. The appellant undertakes not to file any proceeding under any provisions of law in future demanding the custody of son Master Sudarshan alias Soham.
- E. The parties agree not to file any complaints against each other or their relatives in future.
- F. The parties withdrawn all the allegations made by them against each other in all the proceedings.
- G. There is no grievance between the parties in respect of documents, ornaments, streedhan and other belongings.
- H. The above terms and conditions are complied by the parties out of their own free will and consent.
- I. In view of compromise as stated above the present appeal be disposed of and judgment and decree dated 26/3/2018 passed by Hon'ble Family Court, Pune granting decree of divorce in favour of Respondent be confirmed.”

3. Accordingly, the family court appeal stands disposed of in accordance with the terms of settlement arrived at between the parties.

4. In view of disposal of the appeal, pending civil application filed in the appeal does not survive and is accordingly disposed of.

5. We record our appreciation for the efforts taken by the learned counsel appearing for both the parties in arriving at the settlement between the parties.

Sd/-

[SARANG V. KOTWAL, J.]

Sd/-

[INDRAJIT MAHANTY, J.]

Vinayak Halemath