

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FAMILY COURT APPEAL (FCA) NO. 2 OF 2019.

(Shri Shirish s/o Haribhau Buradkar, Nagpur Vs. Sau. Janki @ Rajshri Shirish Buradkar,
Nagpur.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.H.Rawlani and Shri A.R.Rawlani, Advocates for the
appellant.

Shri A.M.Gedam, Advocate for respondent.

**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
SEPTEMBER 11, 2019.**

Today, both the parties are present in-person along with their Advocates before the Court. They submit that they have settled the matter out of Court and pray for decree of nullity of marriage on the ground of non-consummation of marriage. They have filed terms of settlement on record which is marked as "X" for identification.

The respondent is agreed to receive Rs.4,00,000/- (Rs. Four lakhs only) from the appellant in lieu of maintenance amount towards full and final settlement.

The appellant has paid the aforesaid amount vide Cheque Nos. 146053 dated 13/09/2019 and 146054 dated 20/09/2019 worth Rs.3,50,000 (Rs. Three lakhs fifty thousand only) and Rs.50,000/- (Rs. Fifty thousand only) respectively to the

respondent.

The respondent is agreed to withdraw the recovery proceedings under Section 125(3) of the Code of Criminal Procedure pending on the file of Family Court No.3, Nagpur bearing E.R. No. 232/2018. Also, the respondent is agreed to withdraw Appeal No. 38/2018 filed against the appellant for the offence under Section 498A of the Indian Penal Code, bearing Crime No.132/2015, registered at Police Station, Koradi.

The appellant is agreed to withdraw the Criminal Case for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, bearing Crime No. 25/16, registered at Police Station, Mankapur, District Nagpur. Also, the appellant is agreed to withdraw Criminal Revision No. 125/2018 pending before this High Court. The appellant is also agreed to return “stree-dhan” i.e. one Almirah to the respondent.

Looking to the amicable settlement arrived at between the parties, we are inclined to allow the appeal and the same is accordingly allowed and disposed of. The impugned judgment and decree dated 09/05/2018 passed by the learned Judge, Family Court No.3, Nagpur is hereby set-aside. It is declared that marriage dated 15/03/2015 between the parties stands annulled. The decree of nullity of marriage for non-consummation of marriage be

drawn accordingly, in the above terms.

JUDGE

JUDGE

Sumit