

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

Family Court Appeal No.92/2019

Nandkumar Eknath Honmane Appellant

Vs.

Mrs. Poonam Nandkumar Honmane Respondents

Mr. Rahul S. Kadam for the Appellant
Mr. Prashant Darandale for the Respondents

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : JANUARY 27, 2020

P.C.

1 Heard. Both the counsel submit that the Appellant as well as the Respondents agreed to dispose of the matter by minutes of order. They tendered the minutes of order dated 27.01.2020.

2 The learned counsel for the Respondent submits that as per clause 1 of the minutes of order, he has received the cheque. The statement is accepted.

3 Hence, by consent of the parties, the minutes of order are taken on record and marked "X" for identification, which read thus:

“(MINUTES OF THE ORDER)”

After hearing the parties at length, Appellant and Respondent have arrived at the settlement. It is agreed between the parties that the Appellant and Respondent, the present Family Court Appeal No. 92 of 2019 to be allowed on following terms and conditions.

1. That the Appellant herein will pay the cost of an amount to the tune of Rs. 50,000/- to the son viz. Shriyash Nandkumar Honmane and Rs. 25,000/- to the Respondent Mrs. Poonam Nandkumar Honmane by Cheque & further undertakes that the Cheques will be Honored.

2. It is agreed that the Family Court Appeal is allowed and the Judgment and Order dated 1st January 2019 passed by the Judge of Family Court No. 5 in Pune in PA No. 1175 of 2013 is thereby quashed and set aside and thus the matter is remanded back to the Family Court, Pune and thus PA No. 1175 of 2013 is restored to the file of the Learned Family Court, Pune .

3. It is further agreed that the order of ‘No Evidence by the Petitioner’ passed by the Family Court, Pune in PA No. 1175 of 2013 is hereby quashed and set aside and the Appellant/ original Petitioner is allowed to lead the evidence such as to enter into the witness box in support of the Family

Court Petition and also to examine the witness on his behalf and the Respondent- wife is entitled to cross examine to the Appellant /Petitioner and his witnesses.

4. It is further agreed that the Family Court Petition PA No. 1175 of 2013 being old Petition, would be decided within a period of 6 months and no party would unnecessarily seek an adjournment and will co-operate each other to decide the PA No. 1175 of 2013 on merits.

5. By an order dated 15th September 2018 in PA No. 1175 of 2013 the Respondent wife's evidence is closed. However, it is agreed that even Respondent wife is entitled to lead the evidence such as to appear into the witness box and to examine the witnesses on her behalf in support of her contention to which Appellant/ Petitioner will be entitled to Cross-Examine.

6. It is further agreed that the documents submitted by the Appellant Petitioner has not been exhibited as stated in paragraph- 20 of the Judgment since he did not appear for cross examination. However, once he appears for the cross examination he would be given an opportunity to prove the said documents according to law.

7. It is further agreed that the Family Court will not get influenced by the order passed by this Hon'ble

Court in the Family Court Appeal No. 92 of 2019 and thus the Petition would be decided on its own merit.

8. No order as to the cost & further parties agreed that they will act on Authenticated copy of the order passed by this court & will remain Present before the Family court at Pune on 5/02/2020.”

4 The undertakings given by the Appellant are accepted.

5 The Family Court Appeal stands disposed of in terms of the minutes of order.

6 Parties to act on an authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)