

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

FAMILY COURT APPEAL (FCA) NO.37 OF 2018

WITH

CIVIL APPLICATION (O) NO.714 OF 2020

Rahul S/o Ramnath Ukey ...VERSUS... Shubhangi W/o Rahul Ukey

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

Court's or Judge's order

Shri. B. D. Pandit, Advocate for Appellant

Shri. H. D. Dangre, Advocate for Respondent.

CORAM : A. S. CHANDURKAR AND
N. B. SURYAWANSHI, JJ.

DATED : 15th DECEMBER, 2020.

Heard.

Admit

3. Learned advocate waives service for respondent.

4. The appellant - husband is challenging the judgment and decree passed by the Family Court in Petition No. A-893 of 2016, thereby denying the relief of divorce claimed by the husband under Section 13 (1) (i-a) (i-b) of the Hindu Marriage Act, 1955.

5. During the pendency of the present Family Court Appeal, Civil Application (O) No.714 of 2020 is filed jointly by the appellant – husband and respondent – wife for recording compromise and to pass decree in accordance therewith.

6. The terms and conditions of mutual settlement are set out in the application. The

respondent - wife is present and is identified by her advocate. It is told that the appellant since is posted on duty in naxalite area could not remain present today, therefore, his presence is requested to be exempted. Learned advocate for the respondent has no objection for the same, hence the presence of appellant is exempted and he is permitted to be represented by his learned advocate.

7. We have gone through the terms and conditions of the compromise. Both the learned advocates representing the parties state that the said terms and conditions of the compromise are substantially complied with. In terms of the compromise, the respondent - wife has received an amount of Rs.9,33,000/- towards full and final settlement of her claim for maintenance. In view of the amicable settlement of the dispute between the parties and taking into consideration the statements made in the civil application, we allow the civil application in terms of prayer Clause (i) and (ii).

8. The marriage between appellant – Rahul and respondent – Shubhangi is dissolved in terms of Section 13B of the Hindu Marriage Act, 1955. The Family Court Appeal is disposed of in terms of compromise terms. Decree be drawn up accordingly.

(N. B. SURYAWANSHI, J.) (A. S. CHANDURKAR, J.)