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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10763 OF 2014

Vidya J. Kadam

....Petitioner

V/s.

Jitesh S. Kadam

.....Respondent

Ms. Supriya Gurav a/w Susmita Lawane i/b Mr. Sachin Bandkar for
the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 4, 2021.

P.C.:

1] This petition is by wife questioning the Judgment and Order dated 15/04/2013 passed by Family Court, Bandra whereby proceedings filed under Section 13 (B) of Hindu Marriage Act, 1955 ('the Act' for short) came to be allowed by mutual consent.

2] Ms. Supriya Gurav holding for Mr. Sachin Bandkar would urge that consent Decree came to be passed pursuant to consent terms Exh. 3. In additional Consent terms Exh. 4, it was agreed between the parties that Respondent shall pay maintenance of Rs. 1500/- per

month which term according to her is not incorporated in the consent Decree passed by the Family Court on 15/04/2013. Apart from above, the submissions are, amount of maintenance as was agreed to in addition to consent terms at Exh. 3 in Exh. 4 are not honoured till date.

3] I have considered the aforesaid submissions of the learned counsel for the Petitioner. Consent terms Exh. 3 which are produced at page 37 does not reflect agreement for payment of monthly maintenance. However, Exh. 4, additional consent terms speaks of payment of maintenance of Rs. 1500/- per month towards maintenance. Admittedly additional terms as reflected in Exh. 4 are not reflected in the order of dissolution of marriage. That being so, in my opinion, it shall always be open for the Petitioner to seek correction of the order dated 15/04/2013 passed by Family Court, if there is any mistake on the part of Court below in not incorporating or adhering to consent terms in the Judgment dated 15/04/2013 whereby the marriage came to be dissolved pursuant to provisions of Section 13(B) of the Act.

4] With above observations and liberty, present Petition stands disposed of.

[NITIN W. SAMBRE, J.]