

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13975 OF 2021
IN FCAST/10671/2021**

**TEJASHWINI VIJAY BIDVE
VERSUS
VIJAY SHIVSHANKAR BIDVE**

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Advocate for Applicant : Ms. Priyanka R. Deshpande

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**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 1 JULY 2022.

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P. C. :

This is an application for condonation of delay in filing an appeal challenging the judgment and decree dated 22 July 2019 passed by the learned Family Court at Latur in Petition No.F-3 of 2019. By the impugned judgment, the marriage between the parties has been dissolved by mutual consent under Section 13(B) of the Hindu Marriage Act 1955.

2. According to the learned counsel for the applicant / appellant, the consent was obtained by playing fraud and misrepresentation.

3. The learned counsel for the applicant / appellant, on instructions, states that the applicant / appellant shall approach the Family Court for setting aside the consent decree on the ground of fraud / misrepresentation and in that view of the matter seeks leave to withdraw the application and appeal. In such circumstance, the civil application and family court appeal are disposed as withdrawn.

4. Needless to mention that if an application is made before the family court for setting aside the decree, the same shall be decided on its own merits and in accordance with law. We make it clear that we have not examined the rival contentions of the parties.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

VS Maind/-