

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

FAMILY COURT APPEAL NO. 38 OF 2022

Priyangini Anand Pagare @
Priyangini Sidharth Salunkhe .. Appellant

Versus

Anand Nattu Pagare .. Respondent

Shri Jitendra V. Patil, Advocate for the Appellant.

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

DATE : 20TH JULY, 2022.

PER COURT :

. The challenge in this appeal is to the judgment and decree dated 04th January, 2022 passed by the Family Court at Jalgaon in Petition No. F-270 of 2021, by which the marriage between the parties is dissolved by consent U/Sec. 13(B) of the Hindu Marriage Act, 1955 (for short 'Said Act').

2. It is contended by the learned counsel for the appellant that the consent was obtained by practicing fraud and even otherwise the impugned decree is against the requirements to be satisfied for dissolution of marriage U/Sec. 13(B) of the said Act. It is contended that, there was no separation for the statutory period and the decree could not have been passed without waiting for a period of six months.

3. We *prima facie* find that principal ground of challenge is that the consent was obtained by practicing fraud, perhaps the appellant will have to first approach the Family Court, as the aspect of consent ought to be verified by the Family Court before passing the decree. It also appears that under Sub Section 2 of Section 19 of the Family Courts Act, no appeal lies against a consent decree. In such circumstances, family court appeal is disposed of, leaving it open to the appellant to take recourse to any remedy, if, available in law before the Family Court. There shall be no order as to costs.

[SANDIPKUMAR C. MORE J.]

[C. V. BHADANG, J.]

bsb/July 22