

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

995 APEAL FROM ORDER NO.3 OF 2006
WITH APPLN/2682/2004

SANTOSH DNYANDEO PALASKAR
VERSUS
MRS SUREKHA SANTOSH PALASKAR

...
Advocate for Petitioners : Smt. Madhaveshwari Thube-Mhase
Advocate for respondent : Mr. G. D. Tanpure, h/f Mr. N. V.
Gaware
....

CORAM : S. G. DIGE, J.
DATE : 30.09.2022

ORAL ORDER :-

Heard learned counsel for the appellant and learned counsel for respondent. Learned counsel for the appellant and learned counsel for the respondent submit that both the appellant and respondent have married by their choice, and living separately. Now both do not want to continue with their marital relations. Hence, requested to set-aside the order passed by 3rd Adhoc Additional District Judge, Ahmednagar, dated 21st October, 2005. This order is impugned by the appellant. Learned counsel for the respondent has no objection to allow the appeal on the ground that impugned order is perverse and not passed as per the provisions of law.

2. I have heard both the learned counsel. Perused the order passed by the Trial Court, dated 21st October, 2005. By this order, the trial Court has set aside the judgment and decree passed in Hindu Marriage Petition No. 234 of 2001, passed by Civil Judge, Senior Division, Ahmednagar and the matter was remanded to the trial Court for fresh hearing. This order is impugned by the appellant by way of this appeal.

3. Learned counsel for the respondent has consented to allow the appeal on the ground that the respondent has re-married and staying with her husband. The appellant has also re-married and staying with his wife. Learned counsel for the respondent further submitted that the respondent has communicated him by written instructions that she is not willing to pursue this appeal. Hence, requested appropriate order be passed.

4. Considering the submissions of both the learned counsel I pass the following order.

ORDER

- (i) The Appeal from Order is allowed.
- (ii) The order passed by 3rd Ad-hoc Additional District Judge, Ahmednagar, dated 21st October, 2005 is

quashed and set aside.

- (iii) It appears from the record that, one Criminal Application No. 268 of 2004 is tagged along with this appeal. In view of disposal of this appeal, the order passed by the learned J.M.F.C. Karjat in R.C.C. No. 6 of 2006 dated 19th August 2002 is quashed and set aside.
- (iv) In view of disposal of the appeal, all pending Civil Applications are disposed of.

**(S.G. DIGE,)
JUDGE**

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