

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.19 OF 2022
WITH
INTERIM APPLICATION NO.1485 OF 2022

Umami Banti Mahouria] ... Appellant

Vs.

Maj. Banti Mahouria] ... Respondent

...

Mr. Balan i/b Ms. Pranali Sawant for appellant.

Ms. Manjula Rao with Mr. Pratik Deomore for respondent.

...

**CORAM : K.R. SHRIRAM &
KAMAL KHATA, JJ.**

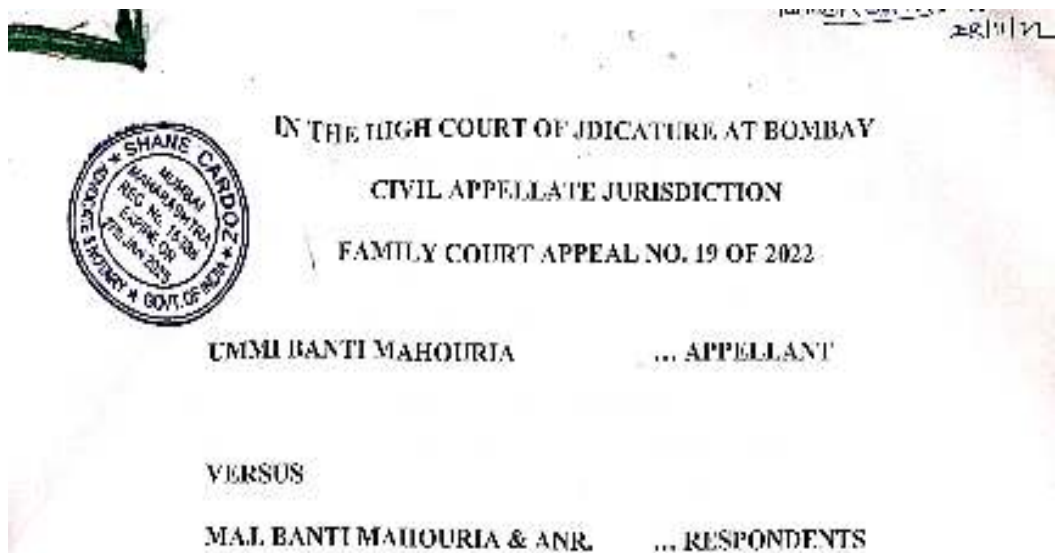
DATED : 28TH NOVEMBER, 2022.

P.C.:-

1. Parties have amicably settled their disputes in the terms as indicated by appellant in her affidavit affirmed on 28/11/2022. Affidavit of respondent affirmed on 14/07/2022 has also been tendered. Respondent who works for Armed Forces is posted in the front-line and, for security reason, his exact location is not disclosed. To a query posed by this court, Ms. Rao states that she

recognizes the signature of appellant and also identifies the same.

2. For easy reference, affidavits of appellant and respondent are scanned and reproduced herein.



AFFIDAVIT ON BEHALF OF THE APPELLANT:

I, UMMI BANTI MAHOURIA, THE APPELLANT, AGE: 33 YEARS, OCCU: STUDENT, AT PRESENT R/AT: HYDERABAD, DO STATE ON SOLEMN AFFIRMATION THAT:

1. I have filed the present Appeal against the Respondent for enhancement of maintenance along with interim application before this Hon'ble Court.
2. I say that, I have received the entire maintenance amount from the Respondent as per the order of the Family Court, Pune and I have also received the amount of Rs. 28,867/- per month paid to

me by the Respondent between June 2017 to September 2017, which I had claimed before the Army authorities.

3. I say that, I am ready and willing to settle the entire on-going dispute between me and the Respondent amicably.
4. I say that, I am ready and willing to accept the payment of Rs. 5,00,000/- (Rupees Five Lakhs) Lakhs which is agreed to be paid by the Respondent No. 1 as full and final settlement by way of permanent alimony. I state that I have received the Demand Draft from the Respondent No. 1 today at Mumbai for an amount of Rupees Five Lakh as stated above and hence I request the Hon'ble Court to dispose of the present matter as it is amicably settled.
5. I say that, after receiving the said Rs. 5 Lakhs, I shall have no further interest, right and/or claim against any past/present income/assets/properties towards the Respondent and/or his family after the dispute is resolved neither the Respondent shall have any further interest, right and/or claim against any past/present income/assets/properties towards me and/or my family.
6. I say that, undertake to withdraw each and every allegation levelled against the Respondent in the said Appeal. I further undertake to withdraw the Execution Petition and the D. V. Application pending before the courts in Pune.



WHATEVER IS STATED ABOVE IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE,
INFORMATION AND BELIEF IN WITNESS WHEREOF I
HAVE SIGNED THIS AFFIDAVIT TODAY AT MUMBAI.



MUMBAI

DATE: 28/11/2022

AFFIANT

BEFORE ME

SHANE CARDOZ

Advocate & Notary (Govt. of India)
Reg. No. 16388 B.com.L.L.B.
Q3, Cliford House, Kadeshwari Mandir Road,
Next to Ganesh Mandir Chowk, Bandra (W),
Mumbai - 400 050, Mob.: 96205 17020



Notary Register Serial No.	484/42
Date:	28 NOV 2022

ORIGINALS SEEN & VERIFIED			
AADHAR	PAN	ELU	PASSPORT
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

DISTRICT PUNE

FAMILY COURT APPEAL NO. 19 OF 2022

UMMI BANTI MAHOURIA ... PETITIONER

VERSUS

MAJ. BANTI MAHOURIA & ANR. ... RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1

MOST RESPECTFULLY SHEWETH:

I, MAJ. BANTI MAHOURIA, the Respondent No.1 herein submits as under: -

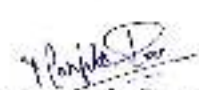
1. I am aware that, the Petitioner has filed above Appeal along with the Application for enhancement of maintenance for her before this Hon'ble Court.
2. I say that, I have paid the entire maintenance amount to the Petitioner as per the order of the Family Court, Pune and also amount of Rs. 28,867 per month was paid to the Petitioner between June 2017 to September 2017 which the Petitioner had claimed before the Army authorities.
3. I say that, I am ready and willing to settle the entire on-going dispute between me and the Petitioner amicably.



4. I say that, I am also agreeable to pay Rs. 5 Lakhs to the Petitioner as full and final settlement by way of permanent alimony.
5. I say that, after receiving the said Rs. 5 Lakhs, the Petitioner shall no further interest, right and/or claim against any past/present income/assets/properties towards me and/or my family after the dispute is resolved neither I shall have any further interest, right and/or claim against any past/present income/assets/properties towards the Petitioner and/or her family.

Solemnly affirmed at Mumbai,
This 14th day of July, 2022

) 
) Respondent No.1.


Advocate for Respondent No.1.

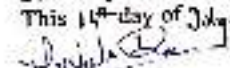
Before me,

VERIFICATION

I, MAJ. BANTI MAHOURIA, the Respondent No.1 herein above, do hereby state on solemn affirmation that whatever is stated in the foregoing paras of my Affidavit in reply is true and correct and I believe the same to be true.

Solemnly affirmed at Mumbai,
This 14th day of July, 2022

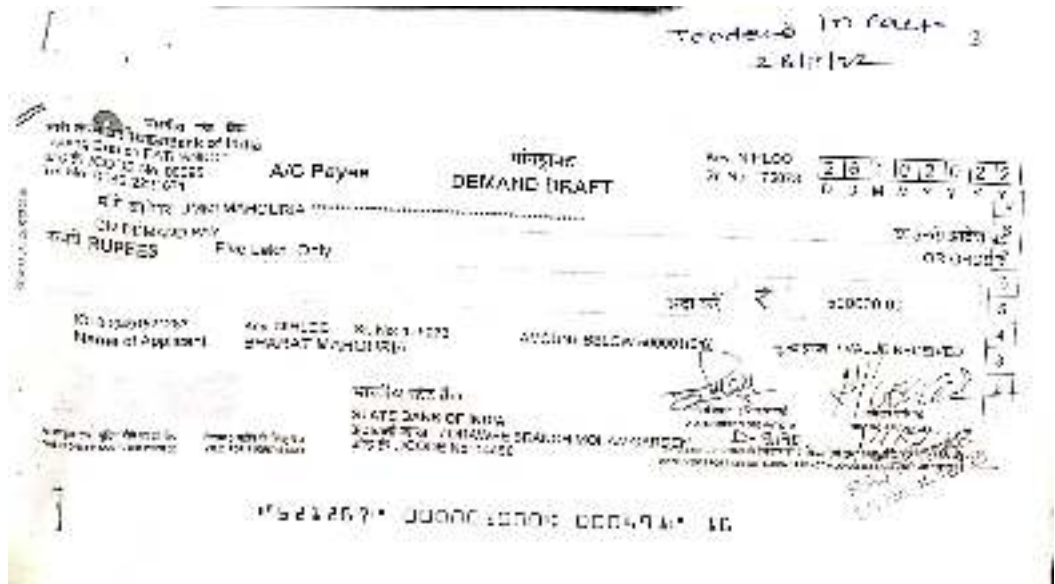
) 
) Respondent No.1
Before me,


Identified by me,

Advocate for Respondent No.1



3. Mr. Balan states that Demand Draft for Rs.5 lakhs drawn in favour of appellant issued by State Bank of India, Pathankot Branch has been received. A copy of the Demand Draft is also scanned and reproduced herein.



4. Appellant, who is present in the court, is identified by Mr. Balan. Appellant undertakes to withdraw the execution petition and application filed under the Domestic Violence Act, pending before the courts in Pune and confirms that they will be withdrawn within four weeks from today. A copy of the withdrawal order shall also be made available to the advocate for respondent, within this period. Respective courts are requested to entertain the applications expeditiously and also provide a certified copy of the order expeditiously, for appellant to meet with the deadline mentioned hereinabove. Appellant and respondent through Ms. Rao state that they have not filed any other proceeding against each other. Statement accepted.

5. The statements of appellant in paragraph No.5 of her affidavit are accepted. So also, the statements of respondent in paragraph No.5 of his affidavit are accepted.

6. In view of the above, appellant seeks to withdraw the appeal. Appeal dismissed. No order as to costs.

7. Consequently, interim application also disposed.

[KAMAL KHATA, J.]

[K.R. SHRIRAM, J.]