

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

FAMILY COURT APPEAL NO. 83 OF 2022

HARIPRASAD JAINARAYAN HARKUT

VERSUS

VAISHALI HARIPRASAD HARKUT

...

Advocate for Appellant : Mr. Darandale Abhijit C.

Advocate for Respondent : Mr. Gundre Suraj V.

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 21 SEPTEMBER 2023

PER COURT :

Heard both the sides.

1. This is a family court appeal whereby the husband has been challenging the judgment and order passed by the Family Court, Beed, refusing to grant a decree for divorce on the ground of cruelty as contemplated under Section 13(1)(i-a) and desertion under Section 13(1)(i-b) of the Hindu Marriage Act, 1955.

2. The parties seem to have entered into an amicable settlement and have filed terms of compromise duly verified before the Registrar (Judicial). They have *inter-alia* decided to sever the status and have also finalized other terms and conditions which are placed on the record and marked 'X' and 'X-1' for the purpose of identification.

3. Since the parties are admittedly residing separately for more than two years next before filing of the petition, the ground of desertion is easily deducible from the evidence on the record. We are satisfied about existence of the ground of desertion for granting divorce.

4. The appeal is allowed. The marriage between the appellant and the respondent stands dissolved subject to the terms of settlement (X) and (X-1) which shall form part of the decree.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.