

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.27 OF 2022

Girish Atmaram Mahajan

...Appellant

Versus

Savita Girish Mahajan

...Respondent

Shri.Siddarth P Pimple, for Appellant.

Shri.Rahul R. Patil, for Respondent.

CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.

DATED : 17th JANUARY, 2023

PC. :

1. On last occassion, when the matter was on board 13.01.2023, learned counsel appearing for both the parties stated that, their respective clients have agreed for dissolution of marriage, as decreed by the Family Court by decree dated 22.12.2021. Learned counsel for the Appellant agreed that his client has no objection, if permanent custody of the child namely Triguna Girish Mahajan is allowed to be retained with the Respondent-wife. He, however, stated that his client may apply for visitation right before the appropriate Court in future, if advised. Learned counsel for the Appellant further made a statement that his client has no objection, if certain criminal proceedings continue on its own merits.

2. Both the parties are present in Court today. They confirmed the statements made by their respective counsel before this Court on 13.01.2023. At this stage, learned counsel for the Appellant states that there are proceedings filed under Domestic Violence Act against the Appellant and other family members being

M.A.No.493 of 2019. In view of the arrangement between the parties, he submits that Respondent be directed to withdraw the proceedings under the Domestic Violence Act.

3. Learned counsel for the Respondent, on instructions of the Respondent, who is present before the Court states that, his client would withdraw domestic violence case being M.A. No.493 of 2019. In view of the statement made by the learned counsel for the Respondent, the Respondent would appear before the concerned Court at Pune for withdrawal of the said case M.A. No.493 of 2019, within one week from today. Statement made by the learned counsel for the Respondent is accepted, as undertaking to this Court.

4. In view of the statement made by the learned counsel for the Appellant, the decree passed by the Family Court-2, Pune in M.A. 493 of 2019, is sustained. The Family Court Appeal is disposed off in the aforesaid terms. If any application for visitation right is made by the Appellant before the appropriate Court in future, the appropriate Court shall consider such application on its own merits and in accordance with law. It is made clear that criminal proceedings filed by the Respondent-wife against the Appellant-husband shall continue on its own merits.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)