



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.142 OF 2023 AND
FAMILY COURT APPEAL STAMP NO.181 OF 2023

Mrs. Bhagyashree W/o Subhod Gawande alias Bhagyashri D/o Ashokrao Dhotre
Vs.

Mr. Subodh S/o Kishor Gavande

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.D. Dharmadhikari, Advocate for appellants.
Shri J.M. Gandhi, Advocate for respondent.

CORAM : VINAY JOSHI &
M.W. CHANDWANI JJ.
DATE : OCTOBER 18, 2023.

In pursuance of earlier order dated 27.09.2023 the respondent-husband has deposited an amount of Rs.25,00,000/- in this Court. The parties have jointly applied to the Family Court for a decree of divorce in terms of Section 13(B) of the Hindu Marriage Act. The Family Court has dissolved the marriage by passing decree dated 11.10.2023.

2. As per settlement both parties have agreed to put an end all the litigation pending between the parties. The appellant-wife, present before us, who has stated that she has no objection to quash the proceedings namely Regular Criminal Case No.521 of 2018 filed at her instance in terms of Section 498A of the Indian Penal Code. So also the wife undertakes to withdraw the proceedings filed under Protection of Women from Domestic Violence Act, 2005 namely PWDV Application No.91 of 2016 and the execution proceedings Criminal Miscellaneous Application No.32 of 2018.

3. Against this, learned counsel for the respondent – husband Shri Gandhi, upon instructions, undertakes that husband's father would withdraw the private complaint namely Regular Criminal Case No.3197 of 2016. So also cousin brother of the husband namely Aditya Datey would withdraw the private complaint filed by him for defamation.

4. Since the settlement has materialized in effect by depositing sum of Rs.25,00,000/- in this Court and decree of divorce has been obtained the impugned decree for annulment of marriage passed by the Family Court No.4, Nagpur in Petition No.A-290 of 2016 on 14.02.2022 does not survive. Thus, by consent said decree is hereby quashed and set aside.

5. Registry to permit appellant - Mrs. Bhagyashree W/o Subhod Gawande alias Bhagyashri D/o Ashokrao Dhotre to withdraw the sum of Rs.25,00,000/- deposited in this Court.

6. Both sides undertake to comply above commitment of withdrawal of cases within two weeks from today.

7. The civil application and appeal stand disposed of accordingly.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

Wagh