



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

FAMILY COURT APPEAL NO.5 OF 2023
Neela Vipul Raja Vs. Vipul Mukundbhai Raja

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

Court's or Judge's orders.

Shri M.P. Kariya, Advocate for appellant.
Shri S.A. Dawda, Advocate for respondent.

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

Heard.

2. Initially, the husband has filed divorce petition vide Petition No.A-987 of 2015 whilst wife has filed petitions, vide Petition No.A-237 of 2014 and Petition No.E-164 of 2015, for restitution of conjugal rights and for grant of maintenance. Vide common judgment dated 25.01.2023 the Family Court has allowed the husband's petition by dissolving the marriage. Similarly, the Family Court though rejected the wife's petition for restitution of conjugal rights however granted maintenance @Rs.8,000/- per month. Being aggrieved the wife has preferred this appeal challenging the decree of divorce.

3. In the meantime, parties have arrived at settlement and filed consent terms signed by both parties as well as their learned counsel.

4. It is agreed that both have withdrawn the allegations against each other but the decree of divorce is to be maintained. Moreover, amicable settlement has been made wherein the husband has paid amount of Rs.25,65,000/- towards lump sum maintenance to the wife including arrears by way of two demand drafts. Both parties are present before us, who have agreed about the settlement.

5. In view of settlement, both parties have urged to record the settlement accordingly. In view of above, the appeal stands disposed by maintaining decree of divorce passed by the Family Court by treating it to be a decree of divorce passed under section 13B of the Hindu Marriage Act. So also, we record that one-time maintenance agreed by the parties has been paid to the wife.

6. In view of that, the appeal stands disposed of in above terms.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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