

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 182 OF 2019
WITH
CIVIL APPLICATION NO. 174 OF 2019
IN
FAMILY COURT APPEAL NO. 182 OF 2019
WITH
FAMILY COURT APPEAL NO. 72 OF 2019

Ashish S. Chitale

.. Appellant

Versus

Vaishali A. Chitale & Ors.

.. Respondents

Adv. Kishor Hase for the Appellant/husband in FCA/182/2019 and CAM/174/2019 and for Respondent in FCA 72 of 2019.

Adv. Anand Patil for the Respondent-wife in FCA/182/2019 and CAM/174/2019 and for Appellant in FCA 72 of 2019.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE :FEBRUARY 09, 2024

P. C.

1. Appeal No. 72 of 2019 is filed by the Appellant/wife and her two children assailing the order dated 13th April, 2018. The impugned Judgment was passed in a Petition filed by the wife, daughter and the son claiming maintenance from the Respondent/husband under Section 18 and 20 of the Hindu Adoptions and Maintenance Act, 1956. By the impugned order, the

Petition was partly allowed and the claim for maintenance of the Appellant/wife was rejected granting certain maintenance to the daughter till she is employed or gets married whichever is earlier as well as to the son till he attains the age of majority. Certain other payments were also directed to be made by the Respondent/husband to the Appellant/wife.

2. Family Court Appeal No. 182 of 2019 is filed by the husband challenging the very same order.

3. Today when the matters are called out, the Advocates for the parties have informed the Court that the husband and the wife have filed a Petition for divorce by mutual consent before the Family Court and have also filed consent terms dated 3rd February, 2024 before the Family Court. Further, both of them submitted that the daughter is now married and the son has also attained the age of majority, and therefore, there is no question of paying any further maintenance to them. In these circumstances, both of them requested that the impugned order be set aside so that the consent terms can be given effect to.

4. Considering the stand taken by the parties, the impugned judgment dated 13th April, 2018 is hereby quashed and set aside.

5. It is made clear that whatever payments have been made by the Respondent/husband to the Appellant/wife till today, shall not in any way, be asked to be refunded by the Respondent/husband.

6. Both the above Appeals are disposed of in the aforesaid terms. No order as to costs.

7. In view of disposal of the above Appeals, nothing survives in the above Civil Application and the same is disposed of accordingly.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]