



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

Family Court Appeal No.65 of 2018

Dr. Ramesh s/o Nanaji Wasnik

vs.

Dr. Smt. Sanjivini w/o Dr. Ramesh Wasnik

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. D.C. Daga, Advocate for the Appellant.

Mr. S.D. Chande, Advocate for the Respondent.

CORAM: SMT. M.S. JAWALKAR AND M.W. CHANDWANI, JJ.

DATE : 11th DECEMBER, 2024.

Heard the learned Counsel for the parties.

02. A joint compromise pursis has been filed before the Court by both the parties, which is taken on record and marked as **Exh.A**. The parties are present in the Court and they are identified by their respective Counsel.

03. As per the terms of compromise pursis, both the parties have agreed to convert Petition No.A-298/2014 filed under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act (hereinafter referred to as "Act" for short) into the Petition by mutual consent under Section 13-B of the Act. In this regard, the appellant and the respondent have filed their respective evidence on affidavits, which are taken on record and marked as **Exh.B** and **Exh.C** respectively.

04. The contents in compromise pursis are verified from the respective parties. They agreed to be correct. As the settlement is in the interest of the parties and it is voluntarily one, it is accepted.

05. In view of these agreed terms, the impugned order challenged in the present Family Court Appeal No.65/2018 is required to be quashed and set aside. As such, the following order is passed:

ORDER

- i. Common judgment and decree passed by the Family Court at Nagpur on 05/01/2018 in Petition No.A-298/2014 (*Dr. Ramesh Nanaji Wasnik vs. Dr. Smt. Sanjivini w/o Dr. Ramesh Wasnik*) and Petition No.D-23/2014 (*Dr. Ramesh Nanaji Wasnik vs. Dr. Smt. Sanjivini w/o Dr. Ramesh Wasnik*) is hereby quashed and set aside.
- ii. So far as the judgment in Petition No.E-181/2015 (*Dr. Smt. Sanjivini w/o Dr. Ramesh Wasnik and another vs. Dr. Ramesh Nanaji Wasnik*) is concerned, the order to the extent granting maintenance to petitioner No.1 by the respondent is hereby quashed and set aside. So far as maintenance of daughter-Swara is concerned, her maintenance will continue as per the order of enhancement, as the respondent-father agreed to pay maintenance to her regularly as per orders passed in Petition No. E-181/2015.
- iii. Considering the evidence on affidavits on behalf of the appellant as well as the respondent, Petition No.A-298/2014 is permitted to convert as Petition by mutual consent under Section 13-B of the Act for dissolution of marriage.
- iv. The statutory period for separation is dispensed with as both the parties are residing separately since 2014 i.e. around 10 years.
- v. It is declared that the marriage between appellant-Dr. Ramesh Nanaji Wasnik and respondent-Dr. Smt. Sanjivini w/o Dr.

Ramesh Wasnik is dissolved.

- vi. The compromise pursis (Exh.A) along with affidavits (Exh.B and Exh.C) taken on record be treated as part and parcel of this order.
- vii. The other proceedings i.e. Cri.M.A. No.1660/2019 pending between the parties under the Protection of Women from Domestic Violence Act, 2005 are agreed to be withdrawn by the respondent-wife within a period of two weeks.
- viii. Decree be drawn up accordingly in terms of compromise.
- ix. The Family Court Appeal is disposed of in the above terms with no order as to costs.

(M.W. Chandwani, J.)

(Smt. M.S. Jawalkar, J.)

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