



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 FAMILY COURT APPEAL NO. 16 OF 2023
WITH
CIVIL APPLICATION NO. 3109 OF 2023
IN FCA/16/2023

VIDYA CHARAN RATHOD
VERSUS
CHARAN SURESH RATHOD

...
Mr. P. D. Dadpe, Advocate for Appellant

...

CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.

DATE : 27.04.2026

PER COURT :-

. The matter was referred to mediation. The Mediator has given the report as it is successful. Further, in view of Rule 25 of the Bombay High Court Mediation Rules, we had given today's date for the parties to remain present before this Court. When the learned Advocate for the appellant had expressed the inability of the appellant as well as the respondent due to financial condition, we had directed them to go to Dharashiv District Court. They are present before us through video conferencing from the Court. We had confirmed the contents of the settlement. Due to some differences that arose between them, the litigation had arisen. However, in the year 2024, in view of



the settlement out of the Court at that time itself, the appellant had resumed the cohabitation with the respondent and thereafter, they are blessed with children. Even today, when we made enquiry with both of them, they say that now there are no differences between them. The marital life is proceeding normally.

2. In the present Family Court Appeal, the appellant – wife had challenged the judgment and decree dated 04.01.2023 passed by the learned Judge, Family Court, Osmanabad in Petition No.A-77 of 2022, which was under Section 13 of the Hindu Marriage Act filed by the respondent – husband for dissolution of marriage. By judgment and decree dated 04.01.2023, the said petition was allowed and the decree for divorce was passed. However, it can be noted that the present appeal has been filed within limitation and thereafter, in 2024 itself, as per the settlement which is taken on record by marking Exhibit “X”, the appellant and the respondent have resumed cohabitation. Under such circumstances, their marital tie still exists.

3. We, therefore, set aside the judgment and decree passed in Petition No.A-77 of 2022 by the learned Judge, Family Court, Osmanabad dated 04.01.2023 under Section 13 of the Hindu Marriage Act. It is declared



that the marriage between the appellant and the respondent dated 22.10.2018 is still in existence. Decree be drawn in view of the settlement deed at Exhibit – X.

4. Pending civil applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

PRW