



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

District : Ahmednagar

FAMILY COURT APPEAL NO.46 OF 2022

Sou. Ashwini Shrikant Rahane,
Age: 26 years, Occ. Doctor,
R/o Through Suresh Bapurao Japkar
Nagar kalyan Road, Jadhav Petrol Pump,
Near Sai Hosipital, Shivajinagar
Tq. & Dist. Ahmednagar

.....APPELLANT
(Ori. Respondent)

VERSUS

Shrikant Ramnath Rahane,
Age: 32 years, Occ. Doctor,
R/o Rahane Mala, Gunjalwadi,
Tq. Sangamner & Dist. Ahmednagar

.....RESPONDENT
(Ori. Petitioner)

WITH

FAMILY COURT APPEAL ST. NO.13800 OF 2023

Sou. Ashwini Shrikant Rahane,
Age: 27 years, Occ. Doctor,
R/o Through Suresh Bapurao Japkar
Nagar kalyan Road, Jadhav Petrol Pump,
Near Sai Hosipital, Shivajinagar
Tq. & Dist. Ahmednagar

.....APPELLANT
(Ori. Respondent)

VERSUS

Shrikant Ramnath Rahane,
Age: 33 years, Occ. Doctor,
R/o Rahane Mala, Gunjalwadi,
Tq. Sangamner & Dist. Ahmednagar

.....RESPONDENT
(Ori. Petitioner)

WITH



CIVIL APPLICATION NO.9840 OF 2025
IN
CIVIL APPLICATION ST NO.13801 OF 2023
IN
CIVIL APPLICATION ST NO.13802 OF 2023

Ms. Sunita S. Sonawane, Advocate for applicant
Mr. Vinod Y. Bhide, Advocate for respondent

**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATED : 07TH MAY, 2026

JUDGMENT :- (Per Ajit B. Kadethankar J.)

1. At the instance of parties, we have taken up this matter for disposal at 03:00 PM. today. Appellant is the wife of the respondent in both the appeals. Both the parties to the appeals are Doctor by profession and are governed by the provisions of Hindu Law. Their marriage was solemnized on 19.01.2017 at Vrundawan Lawns, Ahilyanagar. Before the parties could have any issue out of their wedlock, a marital discord arose between the parties, which gave rise to a petition (Petition No.A-286 of 2018) under Section 9 of the Hindu Marriage Act, 1955 filed by the appellant against the respondent before the learned Judge of Family Court, Ahilyanagar.

2. The respondent/husband on the other hand filed a petition no.A-287 of 2018 in the same Court for annulment of marriage under Section 12 of the Hindu Marriage Act, 1955.



3. Vide common judgment and order dated 11.04.2022, the learned Judge of Family Court, Ahilyanagar dismissed the Petition No.A-286 of 2018 filed by the appellant/wife under Section 9 of the Hindu Marriage Act, 1955. On the other hand, the Petition No.A-287 of 2018 filed by the respondent/husband against the appellant under Section 12 of the Hindu Marriage Act, 1955 came to be decreed. As against the said common judgment, Appellant has filed these two appeal proceedings.

4. Family Court Appeal No.46 of 2022 arises out of the judgment and order passed by the learned Judge of Family Court, Ahilyanagar in marriage annulment proceedings i.e. Petition No.A-287 of 2018. The Family Court Appeal (St.) No.13800 of 2023 is filed against the judgment and order passed by the learned Judge of Family Court, Ahilyanagar in restitution of conjugal rights proceeding i.e. Petition No.A-286 of 2018.

5. The Family Court Appeal (St.) No. 13800 of 2026 is filed beyond the limitation period and hence, a Civil Application No.13801 of 2023 is filed for condonation of delay, while Civil Application No.13802 of 2023 is filed seeking stay to the judgment and order dated 11.04.2022 passed in Petition No.A-286 of 2018. Civil Application No.9840 of 2025 is filed by the appellant/applicant



seeking restoration of Family Court Appeal (St.) No.13800 of 2023, which was dismissed in default. A prayer for condonation of delay caused in filing the Civil Application is also made in the said Civil Application.

6. Vide order dated 18.08.2022, passed in Civil Application No.10700 of 2022 in Family Court Appeal No.46 of 2022, this Court admitted the Family Court Appeal No.46 of 2022 and stayed the judgment and order passed by the Family Court, Ahilyanagar in Petition No.A-287 of 2018 (marriage annulment proceeding).

7. During the pendency of both the appeals, the parties were referred for mediation. Vide his report dated 02.05.2026, the learned Mediator submitted his report stating that the mediation stood successful and the parties have amicably settled their controversy. In the light of above, the parties have prayed to take up the matters for disposal.

8. Ms. Sunita G. Sonawane, learned Advocate for the appellant and Mr. Vinod Y. Bhide, learned Advocate for the respondent submit that both the parties are personally present in the Court and that they have identified their respective clients. It is submitted by both the learned Advocates that the terms of settlement were produced



before the learned Mediator and accordingly, the learned Mediator has given the report. Original terms of compromise/amicable settlement duly signed by the appellant and respondent are produced before us. Both the learned Advocates for the respective parties have also put their signatures respectively on the said instrument. We called upon both parties about the document containing the terms of compromise/amicable settlement signed by them.

9. Both the parties agree, accept and voluntarily submit that they have entered into the settlement with their free will and with full understanding. They further submit that the controversy between them is settled in terms of the said compromise. They identified their signatures on the compromise conditions and prayed to dispose of the matters accordingly. We see that the Parties have agreed and accepted to sever from each other and to end up the marital cord between them. The Mediation report and the settlement terms are taken on record, and are marked as Exhibit-X for identification.

10. In view of the facts recorded above, we are of the opinion that pendency of the appeals between the parties would not serve any purpose of justice. Hence, we accept the settlement terms arrived between the appellant and the respondent. We abundantly made a query to the parties if the proceedings undertaken by the respondent-



husband was u/s 12 of the Hindu Marriage Act, under which provision an amount of Rs. 8,50,000/- are paid by him to the Appellant-wife. To that, the appellant submitted that the payment is made under settlement terms and without ignoring that for a certain period the parties had co-habited together. Here we take a pragmatic view and ask the appellant about receipt of the amount worth Rs.8,50,000/- (Rupees Eight Lakh Fifty Thousand Only) in view of paragraph no.2 of the terms of compromise read with paragraph nos.3 and 5. The appellant candidly accepts and agrees that she is in receipt of such amount vide a negotiable instrument.

11. In view of this, we deem it appropriate to dispose of both the appeal proceedings as no controversy anymore survives between the parties to agitate their respective side in the proceedings.

12. Hence, We pass following order:

ORDER

I. Civil Application No.9840 of 2025 in Family Court Appeal (St.) No.13800 of 2023 is allowed. Delay caused in filing the Civil Application stands condoned.

II. Family Court Appeal (St.) No.13800 of 2023 stands restored to its original position. Civil Application No.13801 of 2023 stands allowed. Delay in filing Family Court Appeal (St.) No.13800 of 2023 stands condoned. Registry to register the Family Court Appeal.



III. In view of the settlement terms (Exh.X), both the Family Court Appeals stand disposed of in terms of the settlement.

IV. Decree be drawn up accordingly in both the appeals.

V. Pending Civil Application (s) if any, stand disposed of.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]