

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FAMILY COURT APPEAL NO.79 OF 2015
WITH
FAMILY COURT APPEAL NO.80 OF 2015**

Mohan Subhash Gupta .. Appellant

v/s.

Mrs. Ranjana Mohan Gupta ..Respondent

Mr. Y.S. Bhate for the appellant
Mr. O.R. Tiwari for the respondent

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 30th JULY, 2015.**

P.C.

1. The parties have settled their dispute amicably and have filed consent terms, dated 30th July, 2015, which read as follows :-

“9. Both the Parties do hereby consent that this Hon’ble Bombay High Court may be pleased to quash and set aside the Common Judgment, Decree and Order, dated 29-12-2014 passed by the Learned Judge of the Fifth Family Court at Bandra, Mumbai in M.J. Petition No.A-853 of 2010 and M.J. Petition No.C-168 of 2006.

10. Both the Parties do hereby further Pray that in the interests of justice, equity and good conscience, the original M.J. Petition No.A-853 of 2010 filed by the Appellant against the Respondent before the Learned Judge of the Fifth Family Court at Bandra, Mumbai for dissolution of marriage solemnized on 23-05-2006 u/s.13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955 may be allowed to be converted into a Petition under Section 13-B of the Hindu Marriage Act, 1955.

11. The Appellant doth hereby withdraw all the allegations leveled by him against the Respondent and her family members in the M.J. Petition No.A-853 of 2010; Appellant's Written Statement filed in M.J. Petition No.C-168 of 2006; the above Family Court Appeal Stamp No.9915 of 2015; and the Family Court Appeal Stamp No.9916 of 2015; and also all the allegations leveled by the Appellant against the Respondent her family members in the Criminal Case, bearing C.R. No.284/2010 u/s.302, 34 I.P.C. which was converted into a Sessions Case No.34/2011. The said Sessions Case No.34/2011 is pending for hearing before the Sessions Court at Dindoshi, Mumbai.

12. The Respondent doth hereby withdraw all the allegations leveled by her against the Appellant and his

family members in her M.J. Petition No.C-168 of 2006; Respondent's Written Statement filed in M.J. Petition No.A-853 of 2010; and also all the allegations leveled by her against the Appellant and his family members in the Criminal Case No.898/N/2009 pending before the 68th Metropolitan Magistrate's Court at Borivali, Mumbai.

13. The Appellant doth hereby pays to the Respondent a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to-day i.e. 30-07-2015 by way of Pay Order/Demand Draft, bearing No.393754, dated 27-07-2015, drawn on the Dena Bank, Santacruz (west) Branch, Mumbai and drawn in favour of the Respondent i.e. RANJANA RAVISHANKAR GUPTA towards the full and final settlement on account of maintenance and permanent alimony of the Respondent including the monthly maintenance of Rs.3500/- (Rupees Three Thousand Five Hundred only) granted by the Learned Judge of the Fifth Family Court at Bandra, Mumbai in M.J. Petition No.C-168 of 2006 and paid accordingly by the Appellant to the Respondent till 30-04-2015. The Respondent doth hereby acknowledges the receipt of the aforesaid amount of Rs.3,00,000/- (Rupees Three Lakhs only).

14. Both the Parties do hereby agree that there are no

articles of whatsoever nature remain to be received by either of Parties from each other.

15. The Respondent undertakes to withdraw and/or not to prosecute and/or to file Criminal Writ Petition before the Hon'ble Bombay High Court for quashing the Criminal Case No.1051/PW/2006 pending before the 32nd Metropolitan Magistrate's Court at Bandra (East), Mumbai against the Appellant and his family members.

16. The Appellant undertakes to withdraw and/or not to prosecute and/or to file Criminal Writ Petition before the Hon'ble Bombay High Court for quashing the Criminal Case bearing C.R. No.284 /2010 u/s.302, 34 I.P.C. which was converted into a Sessions Case No.34/2011 and which is pending for hearing before the Sessions Court at Dindoshi, Mumbai against the Respondent and her family members.

17. The Respondent doth hereby undertakes in view of the compliance of statements made in Clauses Nos.15 and 16 above, henceforth, the Respondent shall relinquish all her rights, title and interests of whatsoever nature in respect of maintenance, permanent alimony and stridhan of the Respondent.

18. *The Respondent doth hereby declares and undertakes that in view of the compliance of statements made in Clauses Nos.15 and 16 above, henceforth, the Respondent shall not claim any right, title and interests of whatsoever nature in the estate i.e. movable or immovable properties of the Appellant.*

19. *The Appellant doth hereby declares and undertakes that in view of the compliance of statements made in Clauses Nos.15 and 16 above, henceforth, the Appellant shall not claim any right, title and interests of whatsoever nature in the estate i.e. movable or immovable properties of the Respondent.*

20. *Both the Appellant and the Respondent further declare and undertake that they shall not interfere in each other's life on and after filing of the present Consent Terms as well as passing the decree of divorce by mutual consent and withdrawal of all allegations made against each other.*

21. *Both the Appellant and the Respondent state that on filing of the Consent Terms, both the Parties would be at liberty to re-marry and for this reason both the Parties give their express no objection to each other.*

22. *Both the Parties agree and undertake that after withdrawal of all allegations made against each other and grant of decree of divorce, they shall not initiate any litigation or proceedings against each other or their respective family members for malicious prosecution, defamation or any other proceedings of whatsoever nature in the court of law.*

23. *That there is no force, undue influence or coercion upon the Parties and they have mutually agreed to obtain decree of divorce and withdrawal of all allegations made against each other and their respective family members by their own free will and that there is no collusion between the Parties.*

24. *Hence, in the interests of justice, equity and good conscience both the Appellant and the Respondent pray for a decree of divorce by mutual consent i.e. decree of dissolution of marriage of the Appellant and the Respondent abovenamed solemnized on 23-05-2006 on the ground of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Both the Parties further pray for a direction from this Hon'ble Court to the Registry of this Hon'ble Court to issue to the Parties abovenamed a Decree of Divorce by consent i.e. decree of dissolution of marriage of the*

Appellant and the Respondent abovenamed solemnized on 23-05-2006 on the ground of mutual consent under Section 13-B of the Hindu Marriage Act, 1955.”

2. The consent terms are signed by both the appellant and respondent along with their respective counsel. Both the appellant and respondent are present in the Court. On specific query made by us, they have stated that they have been explained the contents of the said consent terms in vernacular. They have further stated that they have no objection if the aforesaid Family Court Appeals are disposed of in terms of the consent terms. The consent terms dated 30th July, 2015 are taken on record and marked “X” for identification.

3. Both the Family Court Appeals are disposed of in terms of the consent terms dated 30th July, 2015. Decree be drawn accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)