

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 52 OF 2014
WITH
CIVIL APPLICATION NO. 286 OF 2013

Sou. Kirti Vishal Dahibhate

..Appellant

v/s.

Vishal Maruti Dahibhate

..Respondent

Mr.P.G.Sarda for the Appellant.

Ms. Kshitija Sarangi i/b. Ashok B. Tajane for the Respondent.

CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : MARCH 26, 2015.

P.C.

1. At the outset appellant seeks leave to amend the consent terms.

Leave granted. Amendment to be carried out forthwith.

2. The parties to the appeal settled their dispute amicably and have filed the consent terms as under:

“1. The parties have agreed for taking divorce by mutual consent under Section 13 B of the Hindu Marriage Act, 1955 by converting the divorce petition filed by the present respondent before the Family Court at Pune for divorce on the ground of non compliance of decree of restitution of conjugal rights.

2. The respondent husband has agreed to pay an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) towards permanent alimony and the appellant has agreed to accept the same. Out of the above amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) an amount of Rs.1,00,000/- (Rupees One Lakh Only) is paid today on 26.3.2015 vide cheque no.056519 dated 13.2.2015 drawn in the name of the Appellant, of ICICI Bank, branch at Barner Road, Pune. Rest of the amount of Rs.50,000/- (Rupees Fifty Thousand Only) agreed to be paid after the decree of divorce passed by the Family Court at Pune and the appellant agreed for the same.

3. The appellant and the respondent will not make any claim against each other in future and will not claim any right against each other in any manner and they will withdraw all the proceedings filed by them against each other including recovery proceedings i.e. 390 of 2014 filed before the learned JMFC Court, Solapur as well as maintenance petition under Section 125 of Cr.P.C. bearing No.62 of 2014 filed before Family Court at Solapur by the present appellant. The appellant will withdraw criminal Writ Petition No.4433 of 2013 filed before the Honourable High Court challenging the order of the Sessions Court in Criminal Appeal No.94 of 2013 arising out of Criminal

Misc. Application No.780 of 2011 filed before the Chief Judicial Magistrate at Solapur under Section 12, 17, 18, 19, 20 and 22 of Domestic Violence Act, 2005.

4. The petition No.A 201280 of 2014 has been filed before the Family Court at Pune by the respondent for seeking divorce under Section 13 for non compliance of decree of Restitution of Conjugal Rights under Hindu Marriage Act which is pending and both the parties will approach before the Family Court at Pune and apply for converting the above petition into a petition for divorce by mutual consent under Section 13 B of the Hindu Marriage Act, 1955 and seek the decree of divorce by mutual consent.

5. The balance amount of Rs.50,000/- (Rupees Fifty Thousand Only) will be paid to the present appellant on the date of passing of the decree of divorce by mutual consent by the Family Court at Pune.

6. Civil Application No. 286 of 2013 is disposed of in view of disposal of Family Court Appeal No.52 of 2014.

7. The appellant and respondent are undertaking to produce the copy of the present consent terms before the respective courts and further undertaking to withdraw the said proceedings filed by both the parties from the respective courts.

8. The decree in terms of above consent terms be

passed.”

3. The consent terms are signed by the parties along with their respective advocates. The parties accepted the consent terms. The consent terms are marked “X” for identification. The undertaking given in the consent terms are accepted. The Appeal is disposed of in terms of the consent terms. Decree be drawn accordingly.

4. In view of disposal of the family court appeal, civil application No.286 of 2013 does not survive and the same is also disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)