

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

**Family Court Appeal No. \_\_\_\_\_ of 2016**  
**(Stamp No. 34909 / 2015)**

District : Aurangabad

Kailash s/o. Ambadas Padale,  
Age : 48 years,  
Occupation : Service, At present  
R/o. Survey No. 194/2,  
Flat No. S-7, Mohan Residency,  
Jalgaon Road, Aurangabad,  
Taluka & District : Aurangabad.

.. Appellant  
(Original petitioner)

**versus**

Seema w/o. Kailash Padale,  
Age : 42 years,  
Occupation : Household,  
R/o. Survey No. 194/2,  
Flat No. S-7, Mohan Residency,  
Jalgaon Road, Aurangabad,  
Taluka & District : Aurangabad.

.. Respondent.

.....

*Mr. Ashok R. Tapse, Advocate, for the appellant.*

*Mr. S.S. Deogude, Advocate, for the respondent.*

.....

**CORAM : S.V. GANGAPURWALA &  
A.M. BADAR, JJ.**

**DATE : 5TH FEBRUARY 2016**

**COURT'S ORDER** *(Per S.V. Gangapurwala, J.) :*

1. The appeal challenges the judgment and order passed by the learned Principal Judge of the Family Court, Aurangabad, in Petition No. F-70/2010, on 23-11-2010. By the said order, the Family Court had granted application under Section 13B of the Hindu Marriage Act 1955.
2. The learned Counsel for both the parties submit that the said order is assailed only on the ground that subsequently the parties have decided to stay together in the interest of children.
3. The application for consent divorce was filed on 21-5-2010 under Section 13B of the Hindu Marriage Act. After lapse of statutory period of six months, the Family Court accepted the same and passed the consent divorce. The same is sought to be assailed after lapse of five years on the ground that now they are agreeable to reside together.
4. If the consent is to be revoked, it has to be revoked before lapse of the statutory period. The said consent application has already culminated into the decree. The decree can be challenged on the ground that the same is illegal or has not been passed in conformity with the statute. No such averments are made out. The procedure seems to have been followed. As such, the ground which is put forth cannot be a ground to set aside the decree of divorce. Moreover, the appellant and the respondent are not precluded from entering into marriage and continue their tie subsequently.

5. In the light of the above, the appeal cannot be entertained.  
The Appeal is accordingly disposed of. No costs.

**( A.M. BADAR )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**

.....