

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL No. 54 OF 2016

Ms. Swati Vinay Hasolkar ... Appellant
Vs.
Mr. Sidharth Arun Kinare ... Respondent

Mr. Pariksha Jagtap i/b J. Shekhar & Co. for the Appellant.
Mrs. Seema Sarnaik a/w Amay Tamhane, Harsh Bhende, for the
Respondent.

CORAM : V. M. KANADE, &
Smt. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 14, 2016

PC.

1. Upon praecipe, matter is listed today under the caption
“production”.

2. Both the parties have arrived at an amicable settlement.
The Appellant -wife had filed the petition for declaring the marriage,
which was solemnised between the parties, as null and void under
Section 12(1)(a) of the Hindu Marriage Act, 1955. The petition was
dismissed by the Family Court, Pune by a judgment and order dated

23.12.2015. Against the said judgment and order, the Appellant has preferred this appeal in this Court. During pendency of the appeal, the parties have amicably settled the dispute and they have filed consent terms. Consent terms are taken on record. Consent terms are signed by the Appellant and the Respondent and their respective advocates. Leave is sought for converting the original petition into a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 since the parties have decided to take divorce by mutual consent, on the terms and conditions mentioned in the consent terms. Leave is accordingly granted.

3. This Court, in the case of - ***Santosh Lalmani Tiwari vs. Aaradhana Devi Santosh Tiwari [(2013) 1 Mh.L.J., 253]*** has held that in cases where an application is filed for converting original petition into a petition for divorce by mutual consent, then in such case, it is not necessary to wait for mandatory period of six weeks for granting divorce under Section 13-B of the Hindu Marriage Act, 1955. We are satisfied that it is in the interest of the Appellant / wife and the Respondent / husband, if the decree of divorce by mutual consent is granted. We have interviewed the parties. They have stated that they

have no objection if decree is passed in terms of the consent terms. The parties have relinquished their right of permanent alimony and maintenance against each other forever and shall not claim the same in future. Undertaking, if any, given by the parties in the consent terms is accepted. The marriage between the Appellant and the Respondent is dissolved by a decree of divorce by mutual consent. There shall be no order as to costs. Decree be drawn up in terms of consent terms.

Sd/-

[Smt. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath