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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******FAMILY COURT APPEAL No. 69 OF 2016******Mr. Rakesh Dinesh Hisaria******...Appellant******Vs.******Mrs. Veena Rakesh Hisaria******...Respondent***

Mr. Prabhajan Gujar for Appellant

None for the Respondent

CORAM : V. M. KANADE &***Mrs. SWAPNA S. JOSHI, JJ******DATE : SEPTEMBER 28, 2016******P.C. :***

1. We are informed by the learned counsel appearing on behalf of the Appellant that the application is filed by both the parties for divorce by consent under section 13B of the Hindu Marriage Act, 1955 (for short 'the said Act').

2. In view of the subsequent development, the present appeal does not survive. It is clarified that if an application is filed under section 13B of the said Act, then the Family Court shall consider it independently and shall not be influenced by the fact that the petition for divorce which was filed on other grounds was dismissed by the Family Court and the Family Court shall proceed

to decide the petition filed by the parties for divorce by mutual consent on merits and in accordance with law. Hence, Family Court Appeal is disposed of.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.

Vaishali Tikam