

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

**FAMILY COURT APPEAL NO. 154 OF 2015
WITH
CIVIL APPLICATION NO. 252 OF 2015
IN
FAMILY COURT APPEAL NO. 154 OF 2015**

Mrs. Reenarajani Gopakumar Menon ... Appellant.

V/s.

Mr. Gopkumar Prabhakaran Menon ... Respondent.

Mr. Krishnan R. Iyengar, Advocate for the Appellant.

Mr. Karan Bhosale i/by Ms. Neha Bhosale, Advocate for Respondent.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 19th AUGUST, 2016

P.C. :

1 The matter was referred to the Mediator by order dated 8th October, 2015 passed by this court and the report dated 8th August, 2016 has been submitted by the learned Mediator. In the report it is stated that mediation process was successful and both the parties have agreed to file consent terms. Accordingly, the consent terms were tendered before the learned Mediator, who in turn, submitted the said consent terms alongwith the report before this court. The said consent

terms are taken on record which are duly signed by the appellant, the respondent and their respective Advocate and the learned mediator as well.

2 This court in a recent judgment in Santosh Lalmani Tiwari vs. Aaradhana Devi Santosh Tiwari, reported in 2013 (1) Mh. L.J. 253, has held that if an Appeal against the order of divorce passed by the Family Court is converted into the Petition for divorce by mutual consent and if such leave is granted by this court then it is not necessary to wait for a period of six months for the purpose of granting divorce under section 13-B of the Hindu Marriage Act. We are of the view, therefore, that it is not necessary to file formal application for conversion of this Appeal into the Petition for divorce by mutual consent.

3 Accordingly, the Family Court Appeal is converted into a Petition for divorce by mutual consent and the Petition is disposed of in terms of the consent terms. Undertakings given in the consent terms are accepted.

4 In view of the above, decree is passed in terms of the consent terms. There shall be decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act. The marriage between the parties is dissolved in the light of the

settlement as per the present consent terms. Decree be drawn up accordingly.

5 The appellant shall file undertaking as mentioned in the consent terms within one week from today.

6 The Appeal is disposed of in the aforesaid terms

7 In view of the consent terms, the impugned order passed by the Family Court is set aside and the Appeal is disposed of in terms of the consent terms.

8 In view of the disposal of the Appeal, nothing survives in civil application no. 252 of 2015 and the same is disposed of.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

.....