

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

MISC. CIVIL APPLICATION NO. 232 OF 2014

Dr.(Mrs.) Varsha Sudhir Dole,
Sarul Post, Sarni Sangvi,
Taluka- Kaij, Dist. Beed.

... Applicant

v/s

Dr.(Mr.) Sudhir Machindra Dole,
At 2101, C-Wing, Mahavir Heritage,
Sector-35, Nr.Arihant Anya Building,
Owegaon, Kharghar, Navi Mumbai-410210.

... Respondent

Mr.S.M.Sabrad for the applicant.

Mr.Yogendra Kanchan for the respondent.

Both parties present in Court.

**CORAM: N.M. JAMDAR, J.
DATED : 29 MARCH 2016**

PC.:

Learned counsel for the parties state that, the parties have arrived at amicable resolution of their *inter-se* dispute and have executed consent terms which are signed by both parties. Learned counsel for the parties state that both the parties are present in Court.

2 Accordingly, the consent terms are taken on record and marked 'X' for identification. For the sake of convenience, the consent terms are reproduced as under :

'CONSENT TERMS

The Petitioner and the Respondent have arrived at the following consent terms as under:

- 1. It is agreed between the Petitioner and the Respondent, that the Respondent undertakes to pay an amount of Rs. 12,00,000/- (Rupees Twelve Lakhs Only) as permanent Alimony to the Petitioner and also as full and final Settlement with respect of the disputes between them.*
- 2. It is agreed between the Petitioner and the Respondent, that the above amount of Rs. 12,00,000/- (Rupees Twelve Lakhs Only) shall be deposited on or before 12/04/2016 before the Hon'ble Civil Judge (SD), Panvel, and the Petitioner shall be entitled to withdraw the same on the date of Decree of divorce being passed.*
- 3. It is agreed between the Petitioner and the Respondent, that the Petitioner and the Respondent shall appear before the Hon'ble Civil Judge (SD), Panvel on 12th April, 2016 or any other date as mutually convenient to both the parties and jointly make an Application before the Hon'ble Civil Judge (SD), Panvel for conversion of the Divorce Petition filed by the Respondent being Marriage Petition No. 131 of 2014, into a petition for divorce by mutual consent under Section 13B of The Hindu Marriage Act, 1955.*
- 4. It is agreed between the Petitioner and the Respondent, that the Petitioner undertakes to withdraw Police Complaint filed by the Petitioner in Kaij Police Station bearing R.C.C. No. 27 of 2015 which is pending under Section 498A of Cr. P.C. and shall consent and cooperate for quashing of the aforesaid case.*
- 5. It is agreed between the Petitioner and the Respondent, that the Petitioner undertakes to withdraw the Domestic violence case bearing No. 336 of 2014 filed by the Petitioner*

under Section 12, of the Protection of Women from Domestic Violence Act, 2005, before the J.M.F.C. Court, at Latur.

6. It is agreed between the Petitioner and the Respondent, that the Petitioner undertakes to withdraw the Petition for restitution of conjugal rights bearing No. 129 of 2014 filed under Section 9, of The Hindu Marriage Act, 1955, before the Civil Judge (Senior Division) Ambejogai Court.

7. It is expressly agreed and decided between the parties that, the Respondent expressly undertakes to cooperate with the Petitioner for grant of decree of divorce before the Hon'ble Civil Judge (SD), Panvel.

8. It is expressly agreed and decided that on receipt of full and final settlement amount as agreed herein, the Petitioner shall not raise any claim or demand for maintenance, alimony, compensation or in any other manner against the Respondent and/or any of his family members at any time in future.

9. The Petitioner as well as the Respondent do hereby also admit, confirm and accept that in future they will not interfere in the personal, day to day life, affairs, assets, properties of each of them nor will they interfere with the family members and social life of each other's family in any manner.

10. That the parties hereto have signed this consent terms out of their respective own free will without any force and coercion.

11. That the Consent Terms to be acted upon by the parties and the lower Courts in terms of the Order passed in the above Consent Terms.

12. That both the parties, till the compliance of the present consent terms and even thereafter in future forever shall not raise any disputes or file any civil or criminal litigation including the complaint of defamation or

malicious prosecution or of any other nature inter-se against themselves or against the family members of each other and it will be the legal and moral responsibility of both the parties to see that even their family members and relatives do not file any such complaint, litigation or raise any disputes with regard to the present dispute of marriage, stridhan and the pending cases.

13. In view of the consent terms arrived between the parties it is therefore humbly prayed that this Hon'ble Court may be pleased to dispose off the above Civil Misc. Application No. 232 of 2014.

3 The miscellaneous civil application stands disposed of in terms of the consent terms.

4 Liberty to the parties to produce copy of the order in the Court, where the proceedings are pending.

(N. M. JAMDAR, J.)