

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Misc.Civil Application NO. 280 OF 2015

Chandrakant Purushottamdas Jalan	...Applicant
<i>Versus</i>	
Aarti Chandrakant Jalan	...Respondent

Mr.Omkar G.Nagwekar, for the Applicant.

Mr.N.R.Bubna, for the Respondent.

CORAM: G. S. KULKARNI, J.

DATED: 5th May, 2016

PC:-

1. Heard the learned Counsel appearing for the parties. This is an application under Section 24 of the Code of Civil Procedure filed by the Applicant-husband whereby the prayers are made that Hindu Marriage Petition No.293 of 2012, Hindu Marriage Petition No.211 of 2012 and Miscellaneous Application No.95 of 2012 pending on the file of learned Civil Judge, Senior Division, Malegaon be transferred to the Court of Civil Judge Senior Division Ichalkaranji.

2. Learned Counsel for the parties jointly submit that the Applicant and Respondent have decided to resolve the matrimonial dispute and have entered into a consent terms. In the consent terms, the parties have agreed to seek a decree of divorce by mutual consent by approaching

the Court of Civil Judge, Senior Division, Malegaon. The consent terms contain clauses as regards the custody of two minor children viz. son Yatharth about 12 years old and daughter Vidisha about 7 years old. The parties are present in Court and surprisingly alongwith the children. They are identified by their respective Advocates. The parties agree that they have executed the consent terms as tendered on behalf of the learned Counsel for the parties. The consent terms tendered by the learned Counsel for the parties, they are taken on record and marked "X" for identification.

3. As regards the clauses pertaining to the custody of the children, the same shall be the subject matter of appropriate consideration and orders to be passed by the learned Trial Court while considering the paramount interest of the minor children. If the Trial Court is of the opinion that what has been agreed between the parties in that regard in the consent terms is appropriate, then, the Trial Court is at discretion to proceed to pass appropriate orders in that regard.

4. The parties agree to approach the Trial Court i.e. the court of Civil Judge, Senior Division, Malegaon on 8th June, 2016 when the Court shall take up the matters and proceed to pass such further appropriate orders.

5. The Miscellaneous Civil Application is disposed of in view of the consent terms entered between the parties as no adjudication of the same is necessary. Miscellaneous Civil Application is disposed of accordingly. No order as to costs.

(G. S. KULKARNI,J.)