

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 795 OF 2015

Mr. Vikas Mahadev Salvi

...Petitioner

Versus

Mrs. Aasawari Vikas Salvi

...Respondent

WITH
CIVIL APPLICATION NO.190 OF 2015
IN
WRIT PETITION NO.795 OF 2015

....

Mr.Akhilesh Upadhyay, Advocate for the Petitioner.

Mr. Kedar G. Prabhu, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 5th May, 2016

P.C.

1. Not on board. At the request of Mr. Upadhyay, taken up in the production board.

2. Heard Mr.Akhilesh Upadhyay, learned Counsel for the petitioner and Mr.Kedar Prabhu, learned Counsel for the respondent. Mr. Upadhyay has tendered a photo-copy of the consent terms dated 15.4.2016 duly signed by the petitioner and the respondent. Same is taken on record and marked 'X', for

identification. Mr. Upadhyay also tendered a photo-copy of the driving licence of the petitioner, which is taken on record and marked as 'Y', for identification. Mr. Prabhu identifies the respondent who is present in Court. The petitioner and the respondent admit and confirm the correctness of the consent terms. Under the consent terms, the parties have agreed for restoration of the divorce petition instituted by the petitioner under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short, 'Act') and after restoration converting the same into a Petition for divorce by mutual consent under Section 13B of the Act. As per clause-4, the petitioner has agreed to pay to the respondent total amount of Rs.5 Lacs by way of Demand Draft partly on 27.5.2016 and partly at the time of pronouncement of the order by the Family Court on 7.7.2016 as and by way of full and final settlement of alimony, maintenance and any other claim of the respondent against the petitioner inclusive of the arrears of maintenance for the post and future.

3. Upon taking instructions from the petitioner who is present in the Court, Mr. Upadhyay states that the petitioner will pay an amount of Rs.2,50,000/- by Demand Draft on or

before 27.5.2016 and remaining amount of Rs.2,50,000/- at the time of pronouncement of order on 7.7.2016. Statement made by Mr. Upadhyay, on instructions, is recorded.

4. In view of Clause-1 of the consent terms, Mr. Upadhyay seeks permission to withdraw this petition. On the motion made by Mr. Upadhyay, Petition is allowed to be withdrawn and is disposed of as withdrawn. Order accordingly. In view of disposal of the Petition, Civil Application No.190/2015 for stay of the order dated 10.6.2014 does not survive and the same is also disposed of.

(R. G. KETKAR, J.)

Deshmane (PS)