

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

MISC. CIVIL APPLICATION NO. 51 OF 2015

Prerana Ashish Kothawade	... Applicant
v/s	
Ashish Suresh Kothawade	... Respondent

Mr.Abhijit Kulkarni for the applicant.

Mr.Satyajeet Dighe for the respondent.
Both parties are present.

CORAM: N.M. Jamdar, J.

DATED : 12 April 2016

P.C.:

Learned counsel for the parties state that the parties have resolved their dispute through the help of the Mediator. Learned counsel for the parties state that both parties are present in Court. At their request, 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

THAT both the undersigned parties do hereby agree as follows:

1. *That, as per order dt. 14/10/15 passed by the Hon'ble Court (Coram: Hon'ble Justice K.K.Tated), the parties had appeared before the Ld. Mediator Shri. S.G. Deshmukh at the mediation centre, Bombay High Court on 03/02/2016 at 4:30 p.m.*

2. *That the mediation was successful and as per the discussion in the meeting it is agreed between both the parties that the Respondent herein is ready to pay Rs.5,00,000/ to the Applicant by way of full and final settlement.*
3. *That, earlier when the H.M.P no.477/2013 was pending before the Hon'ble family court at Nashik, the parties was referred for the Mediation and at the relevant point of time consent terms dt: 20/2/2014 were drawn and agreed by both the parties. However due to some reason the same did not fructify. That, in earlier consent terms dt. 20/02/14 the parties had stated in clause no.4, that the Respondent herein will return the jewelry to the Applicant. Since the Respondent is not in a position to return the same, the Applicant has agreed to accept the aforesaid amount against the condition in clause no.4 of the earlier consent terms dt. 20/02/14. All the other terms and condition of the consent terms dt. 20/02/14 stand as it is and parties herein have agreed to the same. Thus it is understood that after receipt of Rs. 5,00,000 as full and final settlement, the Applicant will not again claim the jewelry or any other sum against jewelry.*
4. *That the Respondent will pay the sum of Rs. 5,00,000/ to the Applicant by way of demand draft in two installments as mentioned herein below.*
5. *The Applicant and Respondent hereby agree and undertake to convert the HMP no. A 351 of 2014, pending before the Hon'ble Family Court, Nashik into a joint petition for divorce by mutual consent u/s. 13B of The Hindu Marriage Act, 1955 before the Hon'ble Family Court at Nashik.*
6. *The Respondent hereby agree to pay a sum of Rs. 2,00,000/- by way of RTGS to the Applicant in her maiden name on the account standing in the name of Prerana Yeole NKGSB Bank Kothrud, Pune-38, Saving account no. 028100100001100 IFSC Code : NKGS 0000028, MICR code: 411026253 on or before 20/04/16. The said account details are provided by the Applicant and hence accept the same to be true and correct. Remaining Rs. 3,00,000/- will be deposited by way*

of demand draft in the Family Court at Nashik at the time of converting the H.M.P NO. 351/2014 into a petition for Divorce by mutual consent.. Applicant has also agreed to remain present in the Hon'ble Family Court, Nashik on dt: 10/05/2016.

7. The parties will not file any cases (civil or criminal) against each other or raise any dispute henceforth.

8. As such both the parties have resolved their dispute amicably, and have no grievance against each other.

9. In view thereof the parties have undertaken to abide by the terms and conditions mentioned herein above.

10. Whatever stated herein above is true and correct and the same is binding upon the parties undersigned.

11. That the breach of the aforesaid consent terms by either of the party to it will amount to contempt of the Hon'ble High Court.

3 The undertakings made in the consent terms are accepted.

4 Parties shall accordingly place the copy of the order in the pending proceedings for appropriate order of disposal in terms of the consent terms before the Family Court at Nashik.

5 The application is accordingly disposed of in terms of the consent terms. The efforts taken by the learned Mediator are appreciated.

(N. M. JAMDAR, J.)