

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 27 OF 2017

Mrs. Snehal Karan Sarvade

...Applicant

vs.

Karan Ashok Sarvade

...Respondent

Mr. Abhijeet Kandarkar for the Applicant.

Mr. Ashwin Sakolkar for the Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 22nd August, 2017

P.C.

Leave to amend the Application is granted. Amendment to be carried out forthwith.

2. Heard the learned Advocates appearing for the parties and the following order is passed:

(i) Petition bearing PA No. 570 of 2016 filed by the Respondent-husband and pending before the Family Court, Aurangabad is transferred to the Family Court, Pune.

(ii) The Registrar, Family Court, Aurangabad shall on or before 31st August, 2017 forward all the papers and proceedings in PA No. 570 of 2016 to the Family Court, Pune.

(iii) The parties shall appear before the Principal Judge, Family Court,

Pune, on 4th September, 2017 when the Learned Principal Judge, shall allow the parties to convert the divorce petition into a petition seeking divorce by mutual consent and shall forthwith pass a decree of divorce by mutual consent.

(iv) Upon the decree being passed, a demand draft in the sum of Rs. 12,00,000/- (Rupees Twelve lacs only) issued in favour of the Applicant-wife shall be deposited with the Registrar, Family Court, Pune, who shall retain the same in his custody.

(v) The ornaments and articles which the Respondent has agreed to hand over to the Applicant shall be so handed over on 4th September, 2017, upon the family Court, Pune passing a decree of divorce by mutual consent.

(vi) The Applicant-wife shall unconditionally withdraw Criminal Misc. Application No. 3430 of 2013 pending before the Judicial Magistrate, First Class-3, Pune, within a period of one week from the date of passing of the decree by the Family Court, Pune.

(vii) The Advocate for the Respondent shall forthwith file a Petition under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 217 of 2015 dated 24th July, 2015, registered with Varje Police Station, Pune. The same shall be moved before the appropriate Bench of this Court within one week from the date of decree of divorce passed by the Family Court, Pune. On that day, the Applicant-wife shall remain present and support the quashing of the said FIR.

(viii) Immediately upon the aforestated steps being taken by the parties, the Applicant-wife shall approach the Registrar, Family Court, Pune, along with the Respondent and the Registrar, Family Court, Pune shall hand over the demand draft of Rs. 12 lacs deposited with him to the Applicant-wife.

(ix) All allegations made by the parties against each other in the pending complaints/proceedings stand unconditionally withdrawn.

The above Miscellaneous Civil Application is accordingly disposed off.

Liberty to apply.

(S.J. KATHAWALLA, J.)