

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 21 OF 2015**

Gayatri Hrishikesh Joshi	]	Appellant
Vs.		
Hrishikesh Madhukar Joshi	]	Respondent

.....

Ms. Leena Patil for appellant.
Mr. Lakshyaved Odhekar for respondent.

.....

**CORAM: NARESH H. PATIL &
RAJESH G. KETKAR, JJ.**

DATE: 10TH OCTOBER, 2017.

PC.:

The appellant herein filed a Petition before the Family Court, Nashik u/s 13 (1) (ia) (ib) of the Hindu Marriage Act, 1955 [for short 'Act'] claiming divorce. The appellant and the respondent got married on 5th May, 2005 at Nashik as per Hindu customs. They do not have any issue. By judgment and order dated 30th September, 2014, the Judge, Family Court, Nashik dismissed the Petition filed by the appellant/wife.

2. Being aggrieved by the said judgment and decree, present appeal was preferred by the appellant.

3. Appeal was admitted on 30th March, 2017. Learned Counsel appearing for the parties presented consent terms drawn on 10th October, 2017 which are signed by the parties and their respective learned Counsel. The consent terms are taken on record and marked as **Exhibit 'A'**.

4. Based on the consent terms, learned Counsel on instructions of the appellant and the respondent, who are present in the Court, pray for decree of divorce by mutual consent as prescribed u/s 13-B(2) of the Act. Learned Counsel identify the parties. Learned Counsel appearing for the parties submit that six months waiting period as prescribed u/s 13-B (2) of the Act be waived in the facts and circumstances of the case.

5. Consent terms run into 1 to 8 paragraphs. We have perused the record placed before us and the consent terms.

6. Both the parties have expressed their willingness to get decree of divorce by mutual consent. In the facts and circumstances of the case and in view of the settlement reached between the parties, we are of the opinion that the request made by the parties requires consideration.

7. We are, therefore, of the view that parties be permitted to get divorce by mutual consent by waiving condition of six

months waiting period as prescribed u/s 13-B(2) of the Act. Accordingly, we pass following order.

: ORDER :

- [1] Decree of divorce by mutual consent as per Section 13-B of the Act is allowed by waiving waiting period of six months.
- [2] The impugned judgment and decree dated 30th September, 2014 passed by the Judge, Family Court, Nashik in Petition No. A 350/2010 [Old No. 306/2009] is quashed and set aside.
- [3] Decree be drawn in terms of consent terms.
- [4] The appeal is disposed of.

(RAJESH .G. KETKAR, J.)

(NARESH H. PATIL, J.)