

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

MISC. CIVIL APPLICATION (ST.) NO.2192 OF 2015

Dr. Punam Atul Shinde & Anr.	... Applicants
V/s.	
Dr. Atul Krishnarao Shinde & ors.	... Respondents
...	
<i>Mr. Anand Patil for the Applicants.</i>	
<i>Mr. T. S. Ingale a/w. Mr. Nikhil Pawar for the Respondents.</i>	
...	

CORAM : S. C. GUPTE, J.

DATE : 3 FEBRUARY, 2017.

P.C. :

. This Misc. Civil Application is *inter alia* for transfer of Hindu Marriage Petition No.100 of 2012 pending before the Civil Judge, Senior Division, Islampur to the Family Court at Kolhapur. The marriage petition is filed by the Respondent for a decree of divorce. It is agreed between the parties that on 7 February 2017, when the marriage petition is scheduled to come up before the Court of Civil Judge, Senior Division, Islampur, both parties shall apply for converting the same into a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act. It is also agreed between parties that a sum of Rs.10 Lakhs shall be paid by way of permanent alimony by Respondent no.1 to Applicant no.1. Learned Counsel for the Respondents states that his client has kept a demand draft of Rs.10 Lakhs ready for the purpose. A copy of that demand draft has already been supplied to the Applicants' Advocate. Learned Counsel for the Applicants, on his part, agrees to withdraw the present Misc. Civil Application. The parties also intend to file consent

terms and seek divorce under Section 13-B. In that case, even the pending criminal proceedings will be appropriately withdrawn by the respective parties. The statements of the respective Advocates for the parties are accepted. The Misc. Civil Application is, accordingly, dismissed as withdrawn.

2. The interim relief obtaining in the Misc. Civil Application shall stand vacated forthwith.

3. In that event, the Respondents do not comply with above statements, apart from seeking appropriate reliefs arising out of such non-compliance, the Applicants shall be at liberty to revive their application for transfer of proceedings by filing a fresh Misc.Civil Application.

(S. C. GUPTE, J.)