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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION No. 2 of 2017
IN
FAMILY COURT APPEAL No. 30 of 2016.
AND
FAMILY COURT APPEAL No. 37 of 2016.

Akshay Vijay Amodkar ..Petitioner/Orig.Appellant
Vs
Poonam Akshay Amodkar ..Respondent/Orig.Respondent.

Mrs. Taubon F. Irani for the Petitioner/Orig. Appellant.
Mr. Ashish Kumar Mehta for the Respondent.

CORAM : R.M. BORDE & A.S.GADKARI, JJ.
DATE : 9th March, 2017

P.C.

1) The instant review petition is presented by the parties seeking review of the order passed by this Court disposing of Family Court Appeal Nos. 30 of 2016 and 37 of 2016 by common order dated 12th January, 2017. In paragraph No.3 of the order, it is recorded that the parties have agreed to apply for decree of divorce under Section 13B of the Hindu Marriage Act, 1955 (for short, "the Act").

2) It is contended by the parties that as has been agreed

between them in view of the consent terms placed on record that they do not have any intention to continue marital ties and both the parties have agreed for dissolution of marriage by mutual consent under Section 13-B of the Act. The parties i.e. the petitioner-husband Akshay and the respondent Poonam are present in-person. The petitioner-husband as well as the respondent-wife urged this Court to pass a decree of divorce by mutual consent in view of Section 13-B of the Act.

3) The petitioner is identified by learned Advocate Mrs Taubon F. Irani and the respondent-wife is identified by learned Advocate Ashish Kumar Mehta. Both the parties i.e. the petitioner and the respondent state that they are residing separate since last more than three years and they do not have intention to stay together. It is further stated that they have decided to put an end to marital tie and urged that a decree within contemplation of Section 13-B of the Act dissolving marriage may be passed.

4) Considering the joint request made by the parties and after being satisfied that the ingredients of Section 13-B of the Act are satisfied, we deemed it appropriate to allow the

Review Petition No. 2 of 2017 presented by the parties. In the result, the order passed by this Court on 12th January, 2017 stands modified to the extent of the consent that has been recorded in respect of the parties agreeing to apply for decree of mutual divorce under Section 13-B of the Act and in its place, it shall, be substituted that marriage between the parties stands dissolved in view of Section 13-B of the Act.

5) The rest of the contents recorded in the Order dated 12th January, 2017 shall remain unchanged.

Review petition is disposed of.

6) No order as to costs.

7) Decree be drawn accordingly.

(A.S. GADKARI,J)

(R.M. BORDE, J.)