

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 168 OF 2017

Sau. Hemlata Sameer Thorat

...Applicant

vs.

Sameer Ramkant Thorat

...Respondent

Mr. Sandhyanshiv for the Applicant.

Mr. Ganesh Patil, for the Respondent.

Both the Applicant and the Respondent are present.

CORAM: S.J. KATHAWALLA, J.

DATE: 13th September, 2017

P.C.

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent:

(i) Hindu Marriage Petition bearing No. 1481 of 2016 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, at Kalyan shall be converted into a petition for divorce by mutual consent.

(ii) The Respondent undertakes to pay an amount of Rs. 7,00,000/- to the Applicant in full and final settlement of all her claims against the Respondent on or before 8th November, 2017, by way of a demand draft drawn in favour of Hemalata Dhanraj Ahire.

(iii) The parties and their Advocates shall appear before the Court of Civil Judge, Senior Division, Kalyan, on 8th November, 2017, when the Learned Judge shall allow the parties to convert the Hindu Marriage Petition No. 1481 of 2016 into a petition for divorce by mutual consent and the Learned Judge shall forthwith grant divorce by mutual consent to the parties. However, before granting the decree of divorce, the Learned Judge shall ensure that the amount of Rs. 7,00,000/- is paid to the Applicant-wife by the Respondent.

(iv) On 13th November, 2017, the Respondent shall approach this Court with a quashing Petition and shall move for quashing of the proceedings filed by the Applicant under Section 498 of the Code of Criminal Procedure, being C.R. No. 40 of 2017. On that day, the Applicant shall remain present in Court and give her consent to the quashing of her Complaint.

(v) The Applicant shall, within a period of one week from the date of passing of the decree by mutual consent, withdraw the application filed by her under Section 125 of the Criminal Procedure Code filed before the Court at Malegaon, being Criminal Misc. Application No. 523 of 2017 and shall also withdraw the Petition filed by her for restitution of conjugal rights before the Civil Judge, Senior Division, Malegaon, being HMP No. 151 of 2017.

(vi) The parties shall withdraw all the allegations made by them against each other.

(vii) The Respondent shall hand over LED TV, Refrigerator and

Cot/single bed to the Applicant on 27th September, 2017 at 12 noon.

(vi) Save and except what is recorded/directed herein, the parties shall have no claim of whatsoever nature against each other.

(viii) The above Application is accordingly disposed of. However, despite the same being disposed off, the parties shall be at liberty to move this Court in case of any difficulty.

(S.J. KATHAWALLA, J.)