

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 233 OF 2017

Mrs. Suhasini Sandeep Aarote ... Applicant

Versus

Mr. Sandeep Pandurang Aarote ... Respondent

Mr. J.P. Panke for the Applicant.

Mr. Jeetendra Sachdev for the Respondent.

Both the parties are present in Court.

CORAM : S.J. KATHAWALLA, J.
DATED : 29th SEPTEMBER, 2017
(IN CHAMBER)

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Hindu Marriage Petition being No. 400162 of 2015 filed by the Respondent-husband pending before the Court of I-Civil Judge, Senior Division, Panvel, District : Raigad to the Court of Civil Judge, Senior Division, Shivaji Nagar, Pune.

2. Heard the Learned Advocates appearing for the parties. The following order is passed, by consent :-

(a) The Hindu Marriage Petition No. 400162 of 2015 filed by the Respondent seeking decree of divorce pending before the Court of I - Civil Judge, Senior Division, Panvel, Dist : Raigad shall be converted into a Petition for divorce by mutual consent.

(b) The Respondent undertakes to pay an amount of Rs.27,00,000/- to the Applicant, that is Rs.10 Lakhs towards permanent alimony for the Applicant and Rs.15 Lakhs towards one time maintenance for the minor daughter. The demand drafts shall be in the name of 'Suhasini Sandeep Aarote'. The said amount of Rs.27 Lakhs shall be paid as follows :-

- (i) Rs.15 Lakhs on or before 29th December, 2017 and
- (ii) Rs.12 Lakhs on or before 29th January, 2018.

The undertaking is accepted.

(c) The Applicant undertakes that upon receipt of Rs.15 Lakhs on 29th December, 2017, she will invest the same in fixed deposit/s of any Nationalized Bank in the name of the minor daughter alongwith her name as guardian and shall only use the interest accrued thereon from time to time and not the corpus until the daughter completes 18 years and attains majority. The undertaking is accepted.

(d) The Amount of Rs.12 Lakhs paid to the Applicant shall be used by her in the manner she desires.

(e) Upon receipt of the said amount of Rs.27 Lakhs, the Applicant shall have no claim against the Respondent for herself and/or for minor daughter.

(f) The Respondent shall pay an amount of Rs.7,000/- per month to the Applicant from August 2017 until the entire amount of Rs.27 Lakhs is paid to the Applicant. Rs.21,000/- for the months of August 2017, September 2017 and October 2017 shall be paid by the Respondent to the Applicant on or before 10th October, 2017

and thereafter, Rs.7000/- per month for the months of November 2017, December 2017 and January 2018 on or before the 10th day of each month.

(g) The Court of I-Civil Judge, Senior Division, Panvel, Dist : Raigad shall on 30th January, 2017 allow the parties and/or their Advocates to convert the Hindu Marriage Petition No. 400162 of 2015 filed by the Respondent into a Petition for divorce by mutual consent and forthwith grant divorce by mutual consent to the parties.

(h) The Applicant-wife shall withdraw the Petition filed by her under the Protection of Women From Domestic Violence Act, 2005 on or before 10th February, 2019.

(i) The Applicant shall on or before 7th February, 2018 withdraw the Petition filed by her seeking restitution of conjugal rights.

(j) The Respondent shall in the first week of February 2018 also move this Court seeking quashing of the proceedings filed by the Applicant under Section 498-A of Indian Penal Code, 1860. The Applicant shall appear in that matter and support the quashing of the said complaint/FIR.

(k) Save and except what is recorded/directed herein, the parties shall have no claim of whatsoever nature against each other and they undertake to withdraw all the allegations made by them against each other and/or their family members/relatives.

(l) Though the above Application is disposed off the parties are at liberty to

move this Court in case of any difficulty.

(m) All contentions of the parties are kept open.

3. The above Miscellaneous Civil Application No.233 of 2017 is accordingly disposed off.

(S.J.KATHAWALLA, J.)