

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 203 OF 2016

Sou. Meenakshi Mangesh Gaikwad

...Applicant

vs.

Mangesh Dhulaji Gaikwad

...Respondent

Mr. Prashant Hagare, instructed by Mr. Tushar Sonawane, for the Applicant.

Mr. Sandip Karnik, 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:

(i) Marriage Petition bearing No. 99 of 2012 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, Vasai, Dist. Palghar, shall be converted into a petition for divorce by mutual consent.

(ii) The Respondent undertakes to pay an amount of Rs. 5,00,000/- to the Applicant in full and final settlement of all her claims against the Respondent as follows:

(a) Rs. 2,00,000/- on or before 31st October, 2017;

(b) Rs. 3,00,000/- on or before 21st December, 2017.

(iii) On 21st December, 2017, the parties shall appear before the Court of Civil Judge, Senior Division, Vasai, Dist. Palghar and convert the Marriage Petition No. 99 of 2012 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 confirm that the entire amount of Rs. 5,00,000/- is paid to the Applicant-wife by the Respondent.

(iv) The Respondent undertakes that criminal complaint No. 1577 of 2012 filed by him against the relatives of the Applicant which is pending before the Judicial Magistrate, First Class, Vasai, shall be unconditionally withdrawn within a period of two weeks from the date of the learned Civil Judge, Senior Division, Vasai, granting a decree of divorce by mutual consent.

(v) The parties shall withdraw all the allegations made by them against each other and/or their family members/relatives.

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

(vii) Needless to add that upon the parties obtaining divorce by mutual consent, the decree passed by the Family Court at Nashik in Petition No. A/350/2012 directing restitution of conjugal rights in favour of the Applicant shall be of no consequence.

2. The above Miscellaneous Civil Application is accordingly disposed off.
3. Though the above Application is disposed of, in case of any difficulty, liberty to apply.

(S.J. KATHAWALLA, J.)