

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 254 OF 2017

Esha Yatin Khanolkar @ Ehsa Paramanand ThakurApplicant

vs.

Yatin Narayan Khanolkar ...Respondent

Mr. Onkar Nagavekar, instructed by Ms. Prabha Badadare, for the Applicant.

Ms. Yogita Deshmukh Chitnis for the Respondent.

Both the Applicant and the Respondent are present.

CORAM: S.J. KATHAWALLA, J.

DATE: 18th September, 2017

P.C.

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

(i) Marriage Petition bearing No. 79 of 2017 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, Palghar, shall be converted into a petition for divorce by mutual consent.

(ii) The Respondent undertakes to pay an amount of Rs. 10,00,000/- to the Applicant in full and final settlement of all her claims against the Respondent on or before 11th October, 2017, by way of a demand draft drawn in favour of Pratibha Parmanand Thakur. The undertaking is accepted.

(iii) On 12th October, 2017, the parties shall appear before the Court of Civil Judge, Senior Division, Palghar, and convert the Marriage Petition No. 79 of 2017 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.10,00,000/- is paid to the Applicant-wife by the Respondent.

(iv) The Applicant undertakes that Criminal Misc. Application No. 55 of 2017 filed by her against the Respondent under Section 25 (2) of the Domestic Violence Act and pending before the Judicial Magistrate, First Class, Kudal, and Criminal Application No. 5 of 2012 filed by her against the Respondent under Sections 18, 19, 20 (3), 21 and 22 of the Domestic Violence Act and pending before the Judicial Magistrate, First Class, Kudal, shall be unconditionally withdrawn within a period of two weeks from the date of the learned Civil Judge, Senior Division, Palghar, granting a decree of divorce by mutual consent.

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

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

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.)