

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 533 OF 2016**

Smt. Neha Vipul Jain

... Petitioner

Vs.

Mr.Vipul Babulal Jain

... Respondent

Ms.Savita Yadav i/by Mr.S.V.Gavand for the Petitioner.

Ms.Madhavi Nallari with Mr.Akshay V.Kamble for the Respondent.

CORAM : G.S.KULKARNI, J.**DATE : FEBRUARY 16, 2018.****P.C.:**

Learned counsel for the parties have tendered consent terms dated 16th February, 2018, according to which it is stated that the dispute between the parties stand resolved. The consent terms are signed by the respective parties as also by their advocates. Learned counsel for the parties stated that both the parties to the consent terms are present in the court. There is no dispute on the signatures as made on the consent terms. Accordingly, the consent terms are taken on record and marked "X" for identification.

2. As provided in paragraph No.2 of the consent terms, the petitioner shall approach the Revdanda Co-operative Urban Bank Limited for withdrawal of the amount from Fixed Deposit No.100301030000599 for Rs.2,50,000/- and Fixed Deposit No.

100301030000600 for Rs.2,50,000/-, totalling to Rs.5,00,000/- as agreed between the parties, in Paragraph No.6(ii) of the consent terms. The parties shall approach before the court of Civil Judge Senior Division, Alibag by joint petition under the Hindu Marriage Act, 1955, to convert Hindu Marriage Petition No.140 of 2013 into a petition under Section 13B of the Hindu Marriage Act. The learned Civil Judge Senior Division shall consider such request made on behalf of the parties and on being satisfied on such petition under Section 13B of the Hindu Marriage Act, proceed to grant a decree of divorce as prayed by the parties in accordance with law. The learned Civil Judge Senior Division shall also consider the request of the parties for waiver of the period of six months as now permissible under law.

3. The Petition is accordingly disposed of in terms of consent terms, however, subject to the above observations. No costs.

4. In view of the petition itself being disposed, all interim orders passed earlier shall stand vacated.

(G.S.KULKARNI, J.)