

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FAMILY COURT APPEAL NO.78 OF 2010
WITH
CIVIL APPLICATION NO.286 OF 2010**

Paraveen Vijay Jobanputra .. Appellant

vs.

Vijay Umershi Jobanputra .. Respondent

Mr.Akshay A. Deshmukh for the appellant

Mr.Hitesh Vyas for the respondent

**CORAM : K. K. TATED &
B.P. COLABAWALLA, JJ.
DATE : MARCH 14, 2018**

P.C.:

1. Heard the learned counsel for the parties.
2. Both the counsel submit that appellant as well as respondent are present in court. They submit that matter is settled out of court. They submit consent terms dated 14.03.2018 duly signed by the appellant as well as respondent along with their counsel. Appellant as well as respondent submit that consent terms are drafted as per their instruction. They have no objection to accept the same. Same is taken on record and marked 'X' for identification. Same is accepted.

3. The learned counsel for the respondent submit that he is also handing over Individual Health Policy Scheme Certificate of United India Insurance Company Limited to the appellant in the court. Appellant accepts the same. He further submits that he is also handing over original license issued by Government of Maharashtra under section 37 of Wild Life (Protection) (Maharashtra) (Amendment) Rules 2004 bearing Registration No.MH/8/02/P/0866 along with letter dated 07.07.2009 issued by Forest Department. Same is accepted by the advocate for appellant.

4. Both the counsel submit that the Respondent, Vijay Umershi Jobanputra filed Petition for divorce under Special Marriage Act, 1954 being PA. No.988 of 2016 before the Hon'ble Judge, Family Court, Pune at Pune. He further submits that appellant wife also filed her written statement along with counter claim for divorce in the said matter.

5. Both the counsel submit that Petition for Divorce as well as Counter Claim is pending for hearing on its own merits.

6. Liberty granted to both the parties to make appropriate application before the Family Court in Petition No.988 of 2016 as well as Counter Claim for divorce by consent. If such application is made, Family Court is directed to decide the matter immediately without waiting for the period of six months.

7. Consent Terms be treated as part and parcel of decree.

8. Family Court Appeal stands disposed of accordingly.
9. In view thereof, Civil Application No.286 of 2010 does not survive. The same also stands disposed of as infructuous.

Parties to act on authenticated copy of this order.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)