

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.631 OF 2017
ALONG WITH
CIVIL APPLICATION NO.1835 OF 2017

Kaitan Thomas Rodrigues	 Appellant-Applicant
V/s.	
Laveta Kaitan Rodrigues	 Respondent

Mr. Mahesh V. Rawool for the Appellant-Applicant.

Ms. Farheen Qureshi for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Rawool, learned counsel for the Appellant-Applicant, and Ms. Qureshi, learned counsel for the Respondent.

2. This Appeal is preferred against the 'Judgment and Order' dated 19th April 2017 passed by the Additional District Judge, Oros, Sindhudurg, thereby allowing Marriage Petition No.5 of 2015 and granting the 'Decree of Divorce' on the ground of cruelty, under Section 10(1)(x) of the Indian Divorce (Amendment) Act, 2001.

3. As per the said 'Decree', the custody of the child by name

“Thomas”, aged 8 years, was given to the Respondent-wife till he becomes major.

4. Now the parties have arrived at an amicable settlement and the 'Consent Terms' to that effect are filed on record. Both the Appellant and Respondent are present before me, along with their respective counsels and admitted the contents of the 'Consent Terms', which are now marked as 'Annexure-A'.

5. As per the 'Consent Terms', both the parties have decided to withdraw the allegations made against each other and seek the 'Decree of Divorce' on the ground of mutual consent, under Section 10-A of the Indian Divorce (Amendment) Act, 2001. Moreover, as per the 'Consent Terms', they have agreed that the custody of the child “Thomas” will be handed over to the Appellant-father and Respondent-wife will have the visitation rights and also the interim custody during the vacation.

6. In view thereof, as the Appellant and Respondent are residing separately since last more than four years and, according to them, it is no more possible for them to co-habit together, the 'Decree of Divorce' is passed in terms of the 'Consent Terms'.

7. The marriage of Appellant and Respondent stands dissolved by

mutual consent, under the provisions of Section 10-A of the Indian Divorce (Amendment) Act, 2001 with effect from the date of this order.

8. Rest of the 'Decree' be passed as per the 'Consent Terms' (Exhibit-A).

9. In view of the above, Civil Application No.1835 of 2017 pending in the Appeal, does not survive and the same stands disposed off as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]