

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.1470 OF 2017**

Shridhar Govind Hatim	]	Petitioner
Vs.		
Shraddha Shridhar Hatim and Ors.	]	Respondents

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Mr. B.G. Tangsali a/w P.B. Kadam, for Petitioner.
Mr. D.J. Shejal, for Respondents.

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CORAM : R.G. KETKAR, J.

DATE: 25TH OCTOBER, 2018.

P.C.

Heard Mr. Tangsali, learned Counsel for the petitioner and Mr. Shejal, learned Counsel for the respondents.

2. At the joint request of learned Counsel for the parties, Petition is taken up for admission.

3. Learned Counsel for the parties have tendered consent terms dated 25th October, 2018 duly signed by the petitioner and the respondents as also by their respective Advocates. The same is taken on record and marked 'A' for identification.

4. Mr. Tangsali states that petitioner is present in the Court. He has tendered photo copy his Aadhar Card which is taken on record and marked 'B' for identification. Mr. Shejal states that respondent No.1 is present in the

Court. He has tendered photo copy of her Aadhar Card which is taken on record and marked 'C' for identification.

5. Clause (1) of the consent terms records that respondent No.1 withdraws all allegations made by her in Marriage Petition No.201 of 2002 against the petitioner and the petitioner withdraws all allegations about fidelity against respondent No.1 in reply thereto in written statement filed in Marriage Petition.

6. Clause-2 of the consent terms records that respondents No.2 and 3 withdraw all allegations made by them in different proceedings and agree to withdraw all matters filed by them in Courts against the petitioner.

7. Clause-3 of the consent terms records that judgment and decree dated 17th October, 2008 passed by the learned III Joint Civil Judge, S.D. Thane in Marriage petition No.201 of 2002 granting divorce is set aside by consent of the parties. However, it is clarified that marriage of the petitioner and respondent No.1 is dissolved mutually by consent of the parties from the date of decree in Marriage Petition No.201 of 2002. All the allegations made by the respondent against the petitioner herein including that of cruelty are withdrawn by her.

8. Clause-4 of the consent terms records that the petitioner has released his right in Flat bearing Flat No. T-1 at 3rd floor, Shivshankar Society, Gaodevi Road, Bhusar Ali, Kalwa, Thane – 400 605 to the first respondent and the respondents are occupying the same. The petitioner has undertaken that he will not execute the decree passed in Special Civil Suit No. 108 of 2008 and that he has no right, title and interest of any kind in the aforesaid flat and will not claim it hereafter despite the fact that the petitioner has been declared to

have 50% share in the said flat in Special Civil Suit No.108 of 2008 and Civil Appeal No.354 of 2012 against the same is pending. Respondent No.1 agrees to withdraw Appeal No.354 of 2012 which is pending in the District Court unconditionally. Respondent No.1 agrees to co-operate fully for setting aside and quashing the conviction in Criminal Case No.527 of 2002 and further agrees to file affidavit/application etc in this Court in Criminal Revision Application No.41 of 2012.

9. The parties admit and confirm correctness of the consent terms. Learned Counsel for the parties submit that the Petition may be disposed of in terms of the consent terms and undertakings given by the parties.

10. After perusing the consent terms, I am satisfied that controversy between the parties is lawfully settled in terms of the consent terms.

11. In view thereof, the impugned order in this Petition stands substituted in terms of the consent terms. Decree shall be drawn accordingly. If the consent terms require registration, the parties shall extend co-operation for registering the same. Petition is disposed of in the aforesaid terms. Order accordingly.

[R.G. KETKAR, J.]