

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.178/2017

Vinayak Shivaji Lokare ... Appellant

V/s.

Sharvari Vinayak Lokare ... Respondent

Mr. Rajeshchanda M. Kanojiya for the Appellant

Mr. S. S. Deshmukh for the Respondent

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : DECEMBER 12, 2018

P.C. :

1 Heard. By this appeal, the Appellant Petitioner challenges the judgment and decree dated 27.06.2017 passed by the Family Court, Thane in Petition No.56/2015 dismissing the Appellant's petition u/s.13(1)(i-a) of the Hindu Marriage Act, 1955 for divorce.

2 Both the counsel submit that the matter is settled between the parties. They tendered Consent Terms dated 12.12.2018 duly signed by the parties and their respective counsel. Both the counsel submit that the Appellant as well as the Respondent are present in court. Both the parties entered into witness box and admitted the contents of the Consent Terms and execution thereof. The Consent Terms are taken on record and marked "X" for identification. The Consent Terms read thus:

"CONSENT TERMS"

1. *The Parties hereto have amicably settled the matter out of Court.*
2. *The Respondent has no objection for allowing the said Family Court Appeal.*
3. *The Parties have received and exchanged their articles, ornaments, jewelleries, utensils, clothes etc and there is no claim of whatsoever nature against each other in this regard and they shall not claim any movable or immovable property of each other.*
4. *Both the Parties unconditionally withdraw all the allegations and counter allegations made by them against each other and both the Parties have mutually decided that they would not filed any type of suit, complaint or make allegations against each other in any manner after the allowing of said Family Court Appeal, in any court of law.*
5. *That the Appellant has given an amount of Rs. 2,00,000/- (Rupees Two Lacs only) to the Respondent as permanent alimony by way of demand draft bearing No. 063479 dated 11/12/2018 drawn on TJSB Ltd., Majiwada Br. However the Respondent informed that the Demand Draft to be issued in the name of her Mother Jayshree Pandurang Ghatge because she is not having account in any Bank. Accordingly the Appellant has issued said Demand Draft issued in the name of Mother of the Respondent. The said amount is in view of past, present and future alimony of the Respondent. The rights of the Respondent in the estate, property, money etc. has been considered to be settled/ adjusted/ justified by the appellant and the Respondent by a lumpsum amount of Rs. 2,00,000/- (Rupees Two Lacs only) as mentioned in above. That the entire claim of dowry, gifts etc. of parties for one another have been settled once for all in the aforementioned amount.*

6. *That the entire claims and counter claims have been settled once for all and now remains no dispute of whatsoever nature in between the parties.*
7. *That aforementioned amount is full and final settlement of all the claims of the Respondent upon the Appellant to past, present and future. The Respondent shall not have any right, title or interest in the property, estate or monies of the Appellant or his family members.*
8. *The Parties hereto mutually agreed to dissolve their marriage dtd.29.05.2013 u/s.13(b) of Hindu Marriage Act, and be pleased to set aside judgment and decree dtd. 27.06.2017 passed by Family Court Judge, Thane in Marriage petition No.A-56/2015 and the decree be passed to that effect.*

Filed at Mumbai

Dated: 12 / 12 / 2018

Advocate for Appellant

Appellant

Advocate for Respondent

Respondent"

3 Hence, following order is passed:

a The Family Court Appeal stands disposed of in terms of the Consent Terms.

b The judgment and decree dated 27.06.2017 passed by the Judge, Family Court, Thane is set aside.

c The Marriage Petition No.A-56/2015 filed by the Appellant is permitted to be converted into Petition u/s. 13-B of the Hindu Marriage Act, 1955.

d Decree for divorce u/s.13-B of the Hindu Marriage Act, 1955 is granted by mutual consent.

e Marriage dated 29.05.2013 between both the parties stands dissolved by way of consent decree.

f The Family Court Appeal stands disposed of accordingly.

g. Decree be drawn up accordingly.

h. No order as to costs.

(N. J. JAMADAR, J.)

(K. K. TATED, J.)