

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 12119 OF 2015

Shri. Mangesh Deoram Gawade

...Petitioner

Versus

Sou. Arati Mangesh Gawade

And another

...Respondents

....

Mr. Narendra V. Sharma, Advocate for the Petitioner.

Mr. Ganesh S. Patil, Advocate for Respondent No.1.

Mr. Mangesh Deoram Gawade, the petitioner is present in person.

Sou. Arati Mangesh Gawade, respondent No.1 is present in person.

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CORAM : R. G. KETKAR, J.

DATE : 26th SEPTEMBER, 2018

P.C.

1. Heard Mr.Narendra Sharma, learned counsel for the petitioner and Mr.Ganesh S. Patil, learned counsel for respondent No.1, at length.
2. The learned counsel appearing for the parties have tendered the Consent Terms dated 21.9.2018 duly affirmed by the petitioner and the first respondent as also signed by their Advocates. The consent terms dated 21.9.2018 is taken on record and marked 'A', for identification.
3. The learned Counsel for the parties submit that the controversy between the parties is lawfully settled in terms of the consent terms and Writ Petition may be disposed of accordingly.
4. Mr. Sharma states that the petitioner is present in the Court. He has tendered a photo-copy of petitioner's Aadhaar card which is taken on

record and marked 'B' for identification. Mr.Patil states that the first respondent is present in the Court. He has tendered a photo-copy of her Aadhaar card, which is taken on record and marked 'C' for identification. The parties admit and confirm the correctness of the consent terms.

5. In the consent terms, the petitioner has agreed to pay a sum of Rs.6 Lakhs, which includes the amount of Rs.2,02,500/- deposited by the petitioner in the Court of Civil Judge, Senior Division, Pune in Marriage Petition No.629/2014, as full and final settlement of all the claims of the first respondent in respect of maintenance and permanent alimony against the petitioner.

6. Mr. Sharma states that the petitioner has no objection for respondent No.1 withdrawing the amount of Rs.2,02,500/- deposited by the petitioner in the Court of Civil Judge, Senior Division, Pune. He further states that the petitioner has handed over Demand Draft in favour of the first respondent in the sum of Rs.3,97,500/-.

7. The petitioner has undertaken to withdraw the proceedings instituted by him against the first respondent. Respondent No.1 has undertaken to withdraw the proceedings initiated by her. Clause-6 of the consent terms records that the petitioner shall handover the articles set out therein. Respondent No.1, who is present in the Court, confirms receipt of the demand draft as also eleven articles as mentioned in clause-6 of the

consent terms. In paragraph-7, respondent No.1 has undertaken to give consent for divorce petition being Marriage Petition No.629/2014 being converted into the mutual consent petition under Section 13-B of the Hindu Marriage Act, 1955. The petitioner and respondent No.1 submit that the Petition may be disposed of in terms of the consent terms.

8. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. The undertakings given by the parties in the consent terms are accepted. The impugned order dated 22.9.2015 stands substituted in terms of the consent terms filed by the parties. Writ Petition is disposed of in terms of the consent terms. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)

Pradipkumar
Prakashrao
Deshmane
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by Pradipkumar
Prakashrao
Deshmane
Date:
2018.09.26
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