

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.43/2018

Hanuman Nenuram Mistry ... Appellant

V/s.

Rajeshwari Hanuman Mistry ... Respondent

Mr. Lavkush Sharma for the aa
Mr. Doreman J. Dalal for the Respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**
DATED : MARCH 23, 2018

PC. :

1 Heard. By consent of the parties, the matter is taken up for final hearing at the stage of admission itself. Both the counsel submit that they filed the Petition No.F-253/2017 before the Family Court at Bandra, Mumbai for divorce u/s.13-B of the Hindu Marriage Act, 1955. They submit that the Trial Court has rejected the same on the ground that both the parties have failed to place on record a proof about the marriage. They submit that at that time it remained on their part to produce on record a proof in this behalf.

2 Both the counsel have filed compilation of documents containing wedding card, copies wedding photographs, copies of AADHAR Cards, PAN Cards of the Appellant and the Respondent, copy of the birth certificate of daughter, copy of no claim affidavit. All these documents are taken on record and marked exhibit Nos.A to N.

3 Considering the submissions made by both the counsel and the documents on record, we are of the opinion that the judgment and decree dated 07.08.2017 passed by the Family Court, Bandra Mumbai deserves to be set aside. Hence, it is set aside.

4 Both the parties submit that the matter is settled out of court. Both the counsel submit that both the parties are personally present in court. They filed consent terms dated 23.03.2018 duly signed by the parties as well as their respective Counsel. Both the parties entered into witness box and admit the contents of the consent terms. The Consent Terms be treated to be part and parcel of the decree.

5 Undertakings given by the parties in the Consent Terms are accepted.

6 Decree for divorce u/s.13-B of the Hindu Marriage Act, 1955 is granted.

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

8 The Family Court Appeal stands disposed of accordingly.

9 Issuance of certified copy and decree is expedited.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)