

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 4081 OF 2017

Mrs. Apurva Ajit Bhide

...Petitioner

Versus

Mr. Ajit Deepak Bhide

...Respondent

With

Writ Petition NO. 7000 OF 2017

Ajit Deepak Bhide

...Petitioner

Versus

Apurva Harshvardhan Badkas Alias Apurva Bhide ...Respondent

Mr.Purushottam G.Chavan, for the Petitioner in WP no.4081/17 and for the Respondent in WP 7000/17.

Ms.Niraja Patani, for the Respondent in WP no.4081/17.

Mr.Rajesh P.Behere, for the Petitioner in WP no.7000/17.

CORAM : G.S.KULKARNI, J.**DATE : 14 February 2018****P.C. :**

1. After these petitions were heard for some time, it has transpired that the parties were willing to resolve the disputes.

2. Accordingly, the learned counsel for the parties have tendered consent terms whereby it is stated that the disputes between the parties have been resolved in terms of the consent terms.

As per the consent terms, the parties interalia have agreed to obtain a decree of divorce by mutual consent as per the provisions of Section 13B of the Hindu Marriage Act, 1956 and for that purpose the parties intend to immediately approach the Family Court at Nashik where the proceedings are already pending. The parties who are present in the Court have signed the consent terms in presence of their respective advocates. The advocates for the parties have also placed their signatures on the consent terms. Accordingly, there is no dispute on the signatures as made on the consent terms. The consent terms are taken on record and marked "X" for identification.

3. I have met both the parties who are present along with their advocates in my chamber. It certainly appears to me that the parties have genuinely settled their disputes, including the alimony and all other issues of disputes between the parties. The parties are staying separately, since last almost three years, all efforts to reunite the parties have definitely failed and thus, the decision of the parties to present the petition for divorce by mutual consent would be an acceptable and appropriate decision for a decree to be passed under Section 13B of the Hindu Marriage Act.

4. Considering the peculiarity of the case and that the petitioner-wife Apurva is staying abroad and has arrived in India on 7

February 2018 for the purpose of this litigation and intends to travel back to Luxembourg, Europe on 18 February 2018, the parties are at liberty to immediately approach the Family Court at Nashik on or before 16 February 2018 with a joint petition under Section 13B of the Hindu Marriage Act.

5. The learned Judge of the Family Court in the light of the above orders endeavour to accept the petition of the parties for divorce by mutual consent and after re-verifying the consent of the parties who will remain present before the learned Judge of the Family Court, and being so satisfied proceed to pass a decree of divorce by mutual consent.

6. The petitions stand disposed of in terms of the consent terms and subject to above observations.

(G.S.KULKARNI, J.)