

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14881 OF 2019

NIKHIL SHANKAR HELASKAR
VERSUS
RUTUJA NIKHIL HELASKAR

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Advocate for the Petitioner : Shri Ingle Sandeep D.

Advocate for the Respondent : Shri N.R.Thorat

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th December, 2019

Per Court:

1 The issue before this Court is as regards the request by the petitioner/ husband as well as the respondent/ wife that they desire to separate by mutual consent under Section 13-B(1) of the Hindu Marriage Act and they pray for waiver of the period of six months.

2 The marriage took place on 16.11.2016. They separated on 17.01.2018. The petitioner/ husband preferred the proceeding for seeking divorce on 11.04.2018. The petition was converted into a petition by mutual consent on 16.09.2019. The Trial Court has rejected the application exhibit 21 in HMP No.93/2018 on the ground that the parties did not produce any settlement terms before the Court as regards the payment of permanent alimony to the wife.

3 The learned advocate for the respondent/ wife submits that she is present in the Court and on instructions, submits that she has received an amount of Rs.5 lakhs and also 10 grams of gold. The amount is received by demand draft as is evidenced by the document at page 58 in the writ petition paper book. She agrees for waiver of the mandatory period as they have decided to separate.

4 In view of the above, this Writ Petition is partly allowed by consent. The impugned order dated 11.11.2019 is set aside by consent and the application exhibit 21 is also allowed by consent. The parties would be at liberty to approach the learned Court for seeking appropriate orders in HMP No.93/2018.

kps

(RAVINDRA V. GHUGE, J.)