

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.90 OF 2018

ALONG WITH

FAMILY COURT APPEAL NO.102 OF 2018

ALONG WITH

CIVIL APPLICATION NO.142 OF 2018

IN

FAMILY COURT APPEAL NO.90 OF 2018

Mr. Rushikesh Ramesh Ankam.] ... Appellant /
Applicant

Versus

Mrs. Sunita Rushikesh Ankam.] ... Respondent

Mr. Ketan Joshi for Appellant / Applicant.
Mr. Surel S. Shah for Respondent.

**CORAM :- INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**

DATE :- 01 MARCH, 2019

P. C. :-

1. Heard the learned Counsel for respective parties.
2. Both the parties have filed two separate Affidavits and also filed Consent Terms for disposal of the present Appeals. The Consent Terms are extracted hereinbelow :

“CONSENT TERMS

1. Both the parties to this Appeal have decided to amicably settle the matter.

2. That the Appellant/husband agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) on 13/02/2019. The said amount is already paid to Respondent as one-time settlement and as full and final settlement on all her claims for maintenance in the past, present and for future. The Respondent-wife confirms having received the said amount of Rs.10,00,000/- (Rupees Ten Lakhs only). The Respondent/wife shall not have any claim of any nature whatsoever including financial claims in future against the Appellant/husband before any court of law. This amount includes all her claims in past, present and future in respect of alimony/maintenance and/or Streedhan and/or litigation cost and/or marriage gifts by her and/or her parents and/or her relatives and/or her well wishers or otherwise and/or any other demand whatsoever.

3. Both parties agree and have received the following gold ornaments by Appellant and Respondent from each other.

a) Gold ornament i.e. Bangles (four in numbers), each bangle of weight 10 grams total 40 (forty) grams.

b) Gold ornament i.e. chain (one in numbers) of weight 20 (twenty) grams,
the above two (a) and (b) ornaments received by Respondent from Appellant.

c) Gold ornament i.e. “Ganthan” (one in numbers) of weight 35 (thirty five) grams.

d) Gold ornament i.e. Ring (one in numbers) made of “SHANK” design on it of weight 4 (four) grams,

Both (c) and (d) Received by Appellant from Respondent.

Pack of Wedding Sarees (Basta) already given to Respondent from Appellant.

4. *By consent of both the parties the Decree of Restitution of Conjugal Rights dated 30th January, 2018 passed in Petition No.A-08 of 2016 passed by the Learned Judge, Family Court, Solapur on the Petition for Restitution of Conjugal Rights by Respondent Wife is set aside.*

5. *By consent of both the parties Counter Claim of Appellant for divorce filed in Petition No.A-08 of 2016 under Section 13(1)(ia) and (ib) of Hindu Marriage Act, 1955, is converted into a Divorce by mutual consent under section 13-B of Hindu Marriage Act, 1955 and on consent that their marriage solemnized on 13/02/2013 be dissolved by a Decree of Divorce by mutual consent under the provision of Section 13-B of the Hindu Marriage Act, 1955 and all allegations made by both parties hereto against each other stand withdrawn.*

6. *By consent of both the parties, the Six months cooling off period provided under section 13-B is waived.*

7. *Both parties agree and declare that save and except what is provided herein, they have no claim of whatsoever nature against each other.*

8. *Both parties agrees and declare that they have accepted the aforesaid settlement terms without any undue influence or coercion and has agreed and undertaken not to file any future litigation against each other and/or family members.*

9. *The Appellant and Respondent agree and undertake to co-operate with each other in future for smooth implementation of these Consent Terms.”*

3. The Appeals stand disposed of. The decree passed by the Family Court stands amended to the extent what is stated in the Consent Terms hereinabove.

4. We record our appreciation for the efforts made by the learned Counsel for both the parties in facilitating settlement of the marital dispute amicably.

5. Decree is passed in terms of the Consent Terms.

6. Both the Appeals stand disposed of.

7. In view of disposal of Appeals, Civil Application does not survive and the same also stands disposed of.

(SARANG V. KOTWAL, J.)

(INDRAJIT MAHANTY, J.)