

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FAMILY COURT APPEAL NO.175 OF 2013

Mr.Kedar Gorakhnath Mhatre ... Appellant

V/s.

Mrs.Ruta Kedar Mhatre ... Respondent

Mr.S.R.Page for the Appellant.

Ms.Trupiti Chavan i/by M/s Pradip Chavan and Associates for
the Respondent.

**CORAM : AKIL KURESHI AND
SARANG V. KOTWAL, JJ.
DATE : APRIL 24, 2019.**

P.C.:-

1. The appellant-husband has challenged the judgment and decree passed by the Family Court, Mumbai at Bandra. By the order passed by the Family Court, Mumbai at Bandra the wife was granted decree for restitution of conjugal rights. The counter claim of the appellant for decree of divorce was dismissed by the impugned order. The husband has challenged the impugned judgment and order by way of Family Court Appeal No.175 of 2013. Today learned counsel for both parties have tendered

Consent Terms entered into by the parties. The parties are present in the Court. They are identified by their respective counsel. Consent Terms are taken on record and marked “X” for identification.

2. Both the learned counsel submit that their clients shall act upon the Consent Terms. Accordingly, the impugned judgment and order passed by the Family Court, Mumbai can be set aside.

3. We have perused the Consent Terms. We have confirmed from the parties that they are agreeable to the terms mentioned in these Consent Terms. Accordingly, we set aside the impugned judgment and order passed by the Family Court, Mumbai. Both the parties shall approach Family Court, Mumbai and obtain divorce by mutual consent as expeditiously as possible. In the event, such petition is filed before the Family Court, Mumbai we request the Court to consider waiving of the statutory period in view of the judgment of the Hon'ble Supreme Court in the case of **Amardeep Singh Vs. Harveen Kaur**¹. The parties shall act as per

¹ (2017) 8 Supreme Court Cases 746

the Consent Terms. Today the learned counsel for the appellant has handed over demand draft of Rs.41 lakhs to the learned counsel for the respondent.

4. In this view of the matter, the impugned judgment and order are set aside and the appeal is disposed of accordingly.

5. Parties to act on the authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(AKIL KURESHI, J.)

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