

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.124 OF 2011
WITH
CIVIL APPLICATION NO.115 OF 2012**

Dr. Medha Kelkar	...	Appellant
versus		
Mangesh Kelkar	...	Respondent

Ms. Seema Sarnaik, for Appellant.
Ms. Trupti Chavan i/by Mr. Pradip Chavan and Associates, for Respondent.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 30th AUGUST, 2019

P.C.:

1. The above Family Court Appeal is filed by the Appellant-wife impugning the judgment and order dated 18th October, 2011 passed by the Family Court at Bandra, Mumbai in Petition No.A-209 of 2005, allowing the Divorce Petition filed by the husband.
2. The parties have now arrived at a settlement. They have tendered Consent Terms in Court, which are taken on record and marked 'X' for identification. The Consent Terms are signed by the parties and their respective Advocates. The undertakings recorded in the Consent Terms are accepted.
3. It is clarified that :

(i) the parties shall on 23rd September, 2019 file an Application before the Family Court at Bandra, Mumbai under Section 13(B) of the Hindu Marriage Act, 1955 unconditionally withdrawing all allegations against each other and seeking divorce by mutual consent.

(ii) The Family Court at Bandra, Mumbai, without insisting that the parties should take out Notice of Motion after a period of six months, pass a decree of divorce by mutual consent on the same day i.e. 23rd September, 2019.

(iii) In the event of the Respondent not having handed over demand draft/s aggregating to Rs.2.45 Crores or any part thereof to the Appellant-wife, the same shall be handed over by the Respondent to the Appellant immediately upon the decree of divorce being passed by the Family Court, Bandra, Mumbai.

(iv) On the decree of divorce being passed by the Family Court, Bandra, Mumbai, the Respondent-husband shall be at liberty to withdraw the sum of Rs.8 Lakhs deposited by him in Family Court, Bandra, Mumbai, along with accrued interest thereon, if any, pursuant to the judgment and order dated 18th October, 2011 passed in Petition No.A-209 of 2005.

(v) The Appellant wife shall not object to such withdrawal

on any ground whatsoever, save and except the ground that she has not received the entire amount of Rs.2.45 Crores from the Respondent.

(vi) On the decree of divorce being passed by the Family Court, Bandra, the parties shall have no claim of whatsoever nature against each other, save and except what is agreed under the Consent Terms and ordered herein.

(vii) The above Family Court Appeal as well as Civil Application are accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)