

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

Family Court Appeal (ST) No.27462/2019

Basavraj
G. Patil

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Basavraj G. Patil
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Pravinkumar Diliprao Bhosale Appellant
Vs.

Rupali Pravinkumar Bhosale Respondent

Mr. Ajit M. Savagave for the Appellant
Mr.Akhlaque M.S.Solkar for the Respondent

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : DECEMBER 20, 2019

P.C.

1 Pursuant to the praecipe filed by the learned counsel for the Appellant, the matter is taken on production board.

2 By this appeal, the Appellant husband challenges the judgment and decree dated 28.06.2019 passed by the Family Court, Thane in Petition No.A-330/2014 dismissing the Appellant's petition for divorce u/s.13(1)(ia)(ib) of the Hindu Marriage Act, 1955.

3 Both the counsel submit that the matter is settled out of court. They tendered Consent Terms dated 20.12.2019 duly signed by the parties. Both the counsel submit that the Appellant and the Respondent are present in court. They

entered into witness box and admit the contents and execution of the Consent Terms. Same are taken on record and marked “X” for identification. The Consent Terms read thus:

**“IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
FAMILY COURT APPEAL NO.(Stamp) 27462 OF 2019**

SHRI. PRAVINKUMAR DILIPRAO BHOSALE)
Age about 35 years, Occupation- Service,)
R/o. D-1/702, Runwal Estate, Manpada,)
Opposite Lawkim Company, Ghodbandar Road,)
Thane,)...Appellant.

Versus

MRS. RUPALI PRAVINKUMAR BHOSALE)
Aged about 29 years Occupation- Service,)
R/o. Room No.59, Building No.5, H.)
Hill Site, IIT Powai, Mumbai-400 076)..Respondent

CONSENT TERMS

1 The Appellant and Respondent herein married on 29.11.2011 as per Hindu Vedic Rites and customs at Varadraj Mangal Karyalay, Post- Umraj, Taluka- Karad, District-Satara and the Applicant is presently residing at the address as mentioned in the Cause title. The Respondent before marriage known as “Rupali Ramesh Chavan” and after marriage she is known as “Rupali Pravinkumar Bhosale”. The Respondent is aged about 34 years, and presently residing at Dutta Krup Chawl, Room No.6, Tirandaz Village, Mumbai-400076.

2. The Appellant has filed present Family Court Appeal against the dismissal of Petition by way of Judgment and Order dated 28.06.2019 Passed by the Hon'ble Family Court, at Thane City in Petition No. A-330 of 2014, wherein Appellant has sought decree of dissolution of the Marriage between Petitioner and the Respondent solemnized on 29.11.2011 as contemplated under section 131 (ia) (ib) of Hindu Marriage Act 1955.

3. The Appellant and Respondent have decided to give divorce to each other by mutual consent as per this consent terms. The Appellant has paid a lump sum permanent alimony amounting to Rs.3,00,000/- (Rupees Three Lac Only) by way of Demand Draft bearing No.013944, dated 13.12.2019, drawn on IDBI Bank, Thane-Ghodbunder Road Branch, Thane, to the Respondent herein.

4. The Respondent has made a Complaint before Kapur Bawdi Police Station under section 498-A, 406, 323, 504, 506 and 34 of Indian Penal Code 1860 and same is registered by way of lodging FIR/C. R. bearing F.I.R. No.I-196 OF 2012 against the Appellant herein i.e. Mr. Pravinkumar Dilip Bhosale, his father Mr. Dilip Anandrao Bhosale, his mother Mrs. Hemlata Dilip Bhosale and his brother Mr. Vikas Dilip Bhosale. After filing of Charge sheet in the said C. R./F.I.R. same is registered as Regular Criminal Case No.23 of 2013. The said case is pending before Hon'ble 2nd Jt. Civil Judge Junior Division & JMFC Court at Thane.

5. The Respondent has also filed Cri. Case No.56/DV of 2014, against the Appellant herein for various reliefs under The Protection of Women from Domestic Violence Act, 2005 and interim maintenance of Rs.10,000/- (Rupees Ten Thousand Only) has been granted by the Hon'ble Metropolitan Magistrate's 66th Court at Andheri, Mumbai as per order dated 07.10.2014.

6. The Appellant being aggrieved with the said Order dated 07.10.2014 has preferred PWDV Appeal bearing No.1077 of 2014 for reduction of maintenance and same is rejected by the Hon'ble Sessions Judge, presided in Court No.47, at Mumbai (main branch) as per order dated 29.06.2015.

7. The Appellant has challenged the said order dated 29.06.2015 passed by Hon'ble Sessions Court Mumbai by way of filing Criminal Application No.804 of 2015 in the Hon'ble High Court, Bombay and same is pending.

8. The Respondent herein has also filed a Petition u/s 125 of Cr. P.C. before the Hon'ble Family Court, Bandra, Mumbai, bearing Criminal Application No.E-446 of 2013 and has preferred interim application against the Appellant herein and same was rejected by the Family Court Bandra, Mumbai. The Respondent has challenged the said order passed on her interim application by way of filing Criminal Writ Petition No.2095 of 2015 before Hon'ble High Court Bombay and same is disposed as withdrawn with liberty to file a fresh as per order dated 26.07.2017.

9. The Hon'ble Family Court Bandra, Mumbai rejected the main Criminal Application No.E-446 of 2013 as per judgment and order dated 15.02.2018 passed by Her Honor Judge Smt. S. P. Savaskar presided in Court No.5. The Respondent did not challenge the said Judgment and order dated 15.02.2018 passed by the Family Court Bandra, Mumbai in Criminal Application No.E-446 of 2013.

10. The Appellant is having no objection to Respondent for collecting or receiving muddemal/Jewelry articles from the Hon'ble Court of 2nd Jt. Civil Judge Junior Division and JMFC at Thane in Regular Criminal Case No.23 of 2013. The Respondent is agreed and consenting for compounding or quashing of the Regular Criminal Case No.23 of 2013 pending before Hon'ble Court of 2nd Jt. Civil Judge Junior Division and JMFC at Thane against the all Accused mentioned in the FIR No.I-196 of 2012 registered before the Kapur Bawdi Police Station, Thane. The Appellant will initiate steps for compounding or quashing and closure of Regular Criminal Case No. 23 of 2013 pending before Hon'ble Court of 2nd Jt. Civil Judge Junior Division and JMFC at Thane and the Respondent will cooperate for the same.

11. The Appellant and Respondent has mutually agreed to settle and withdraw the above said all disputes against each other amicably and withdrawing all the above said cases against each others and allegations therein. That both the Parties are also agreed that they will not file any cases against each others and their family members and friends in future after filing of this Consent Terms. After filing of this consent terms the principle of Estoppels

will be applicable to both the parties in respect of filing of cases in future against each other.

12. That both the parties are agreed that Appellant and Respondent are permanently waiving the all future rights, title and interest in the moveable and immoveable properties of self-acquired properties. The Appellant and Respondent will not claim any rights, title or interest in the moveable and immoveable properties of their parents, by him/her self or by any person including blood relative's in future after execution of this consent terms. The Appellant and Respondent waive off their all rights, title and interest against each other in the moveable and immoveable properties of each other's.

13. That both the parties are agreed that they will remain present in Courts for withdrawal of the above said cases against each other wherever required. That both the parties are agreed that as per this consent Terms all the above mentioned cases shall be treated as withdrawn against each other after execution of this Consent Terms.

14. After execution of this consent terms Respondent will withdraw the Criminal Case No.56/DV of 2014 pending before Hon'ble Metropolitan Magistrates 66th Court at Andheri, Mumbai and this Appellant will cooperate for the same.

15. After execution of this consent terms Respondent will co-operate for compounding or quashing of Regular Criminal Case No.23 of 2013 pending before Hon'ble 2nd Jt. Civil Judge Junior

Division & JMFC Court at Thane, arising out of FIR No. I-196 OF 2012 lodged before Kapur Bawdi Police Station, Thane. The Respondent is having no objection to compound or quash the Regular Criminal Case No.23 of 2013 pending before Hon'ble 2nd Jt. Civil Judge Junior Division & JMFC Court at Thane, arising out of FIR No. I-196 of 2012 lodged before Kapur Bawdi Police Station, Thane. Both the parties have no objection in closing the cases and in future no other cases related to this case or any other case will be initiated.

16. After execution of this consent terms Appellant will withdraw Criminal Application No.804 of 2015 pending before Hon'ble High Court of Judicature at Bombay immediately.

17. The Appellant and Respondent has mutually decided to dissolve their marriage dated 29.11.2011 and give Divorce to each other. The Appellant and Respondent have given Divorce to the each others as per this Consent terms. Hence, immediately execution of this Consent Terms the marriage between the Appellant and Respondent dated 29.11.2011 stands dissolve and Divorce to each other is confirmed.

18. That after execution of this Consent Terms both the parties are at liberty to get married as per their choice and no one will object/interfere for the same.

19. That the marriage dated 29.11.2011 is dissolved between both the parties forthwith.

20. As per this Consent Terms Family Court Appeal No. (stamp)
27462 of 2019 is Decreed and disposed as settled.

Dated this 20th day of December, 2019

{Pravinkumar Diliprao Bhosale}
Appellant.

{Mrs. Rupali Pravinkumar Bhosale,
Rupali Daughter of Ramesh Chavan.}
Respondent.

[AKHLAQUE M. S. SOLKAR.] [AJIT SAVAGAVE.]
[Adv. for Respondent.] [Adv. for Appellant.]”

4 The First Appeal stands disposed of in terms of the
Consent Terms.

5 No order as to costs.

6 Decree be drawn up in view of the Consent Terms.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)