

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

FAMILY COURT APPEAL NO.14 OF 2011

Maj. Rajkumar S. Negi

... Appellant

V/s.

Maj. Sharmila R. Negi

... Respondent

Mr.Abhishek Yende for the Appellant.

Ms.Seema Sarnaik for the Respondent.

Ms.Sharmila R. Negi-the Respondent present.

Mr.Bharat Chauhan-Power of Attorney holder of the Appellant present.

**CORAM : AKIL KURESHI AND
SARANG V. KOTWAL, JJ.
DATE : APRIL 22, 2019.**

P.C.:-

1. This is an appeal preferred by the husband challenging the order dated 31st August, 2010, wherein this petition for divorce under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 was dismissed. The appeal is already admitted and is pending for final disposal. During pendency of the appeal, both the parties have arrived at settlement and they have entered into Consent

Terms. The Consent Terms are taken on record and marked “X” for identification. The respondent-wife and the power of attorney holder of the appellant are present in the Court. Both of them are identified by their respective counsel. A copy of the Power of Attorney is taken on record and is marked “Y” for identification. Both the parties have accepted the Consent Terms filed on record. We have perused the Consent Terms. Looking into the special facts of this case, we are inclined to grant relief as prayed for in the Content Terms. As per clause (6) of the Consent Terms, both the parties have agreed to obtain divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. They have prayed for waiving of the statutory period of six months. Looking into the facts and circumstances of the case, we are inclined to accept this request. The Hon’ble Supreme court in the case of **Amardeep Singh Vs. Harveen Kaur reported in (2017) 8 Supreme Court Cases 746** has taken a view that the statutory period of six months can be waived by the Court in an appropriate case. In our view, such discretion can be exercised in the instant case. Taking overall view of the matter, the joint prayer made by the parties is accepted. The marriage solemnized

between parties on 11th June, 1997 is dissolved by decree of divorce under Section 13B of the Hindu Marriage Act, 1955. The parties shall act on the Consent Terms filed before the Court. The appeal is disposed of in accordance with the Consent Terms filed before the Court. The decree be drawn accordingly.

(SARANG V. KOTWAL, J.)

(AKIL KURESHI, J.)

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