

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 11717 OF 2018

WITH

Civil Application No.49 of 2019

IN

Writ Petition NO. 11717 OF 2018

Madhav Prakash Sheth
Through his Constituted Attorney
Deepak Laxman Sangare

...Petitioner

Versus

Parita Madhav Sheth

...Respondent

WITH

Writ Petition (ST) NO. 34354 OF 2018

Parita Madhav Sheth

...Petitioner

Versus

Madhav Prakash Sheth

...Respondent

WITH

Contempt Petition NO. 411 OF 2018

WITH

Civil Application (Stamp) No.30199 of 2018

IN

Contempt Petition NO. 411 OF 2018

Parita Madhav Sheth

...Petitioner

Versus

Madhav Prakash Sheth

...Respondent

....

Ms. Ayesha Ansari i/b. Chambers of Rosita Fernandes for the Petitioner in WP/11717/2018 and for the respondent in WPST/34354/2018 & CP/411/2018.

Ms. Sangita Salvi a/w. Aiman Ansari i/b. Seema Sarnaik, Advocate for the Respondent in WP/11717/2018 and for the petitioner in WPST/34354/2018 & CP/411/2018. .

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CORAM : R. G. KETKAR, J.

DATE : 31st JANUARY, 2019

P.C.

1. Heard Ms.Ayesha Ansari, learned counsel for the husband and Ms.Sangita Salvi, learned counsel for the wife, at length.

2. Ms. Salvi has tendered a photo-copy of the consent terms dated 19.1.2019 signed by the parties which the parties propose to file before the Family Court at Bandra, Mumbai in M.J. Petition No.A-2505/2015. She submits that the controversy between the parties is amicably settled in terms of the consent terms. She submitted that after complying the clauses of the consent terms, the parties have agreed for dissolving the marriage by mutual consent. The consent terms are taken on record and marked 'A' for identification.

3. Ms.Salvi states that Parita Madhav Sheth is present in the Court today. She has tendered a photo-copy of her PAN card, which is taken on record and marked 'B' for identification. Ms.Salvi has also tendered a communication dated 23.1.2019 addressed by Parita Sheth to Advocate Ms. Seema Sarnaik instructing her to withdraw the proceedings. Said communication dated 23.1.2019 is taken on record and marked 'C' for identification.

4. Ms. Ansari states that Special Power of Attorney holder of Madhav Prakash Sheth, namely, Deepak Sangare is present in the court today. She has

tendered a photo-copy of Deepak Sangare's Aadhaar Card, which is taken on record and marked 'D' for identification.

5. Ms. Salvi submitted that in pursuance of the order dated 19.10.2018, Madhav Sheth has deposited Rs.5,75,000/- in this Court. By order dated 19.12.2018, Parita Sheth is permitted to withdraw Rs.1 Lakh. She states that an application was already made on 22.12.2018 for withdrawal of the amount and till date the amount is not disbursed to her. She further states that clause-10 of the consent terms provides that Madhav Sheth will give consent in favour of Parita Sheth for withdrawal of sum of Rs.4,75,000/- deposited by him in this Court. Ms. Ansari states that she has no objection for withdrawal of the amount. In view of the consent terms, the learned counsel appearing for the parties jointly seek permission to withdraw present proceedings.

6. In view thereof, on the motion made by learned counsel for the parties, Writ Petition No.11717/2018 along with Civil Application No.49/2019, Writ Petition (St.) No.34354/2018 and Contempt Petition No.411/2018 along with Civil Application (St.) No.30199/2018 are permitted to be withdrawn and are disposed of as such. Parita Sheth is permitted to withdraw Rs.4,75,000/- along with accrued interest if any deposited in this Court, unconditionally.

7. All parties to act upon an authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)