

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.43 OF 2017

Smt.Asmita Sachin Sonone	]	...	Appellant
V/s.			
Shri. Sachin Dashrath Sonone	]	...	Respondent

Mr.Chetan Alai, for Appellant.
Ms.Meghna Gowalani, for Respondent.

**CORAM : K.K.TATED &
N.R. BORKAR, JJ.**

DATE : 27th OCTOBER, 2020.
(Through Video Conferencing)

P.C. :

11 Heard learned counsel for parties.

2] Learned Counsel Ms.Meghna Gowalani submits that she received instructions to appear on behalf of the Respondent. She undertakes to file her Vakalatnama within one week from today.

3] Both the learned counsel submits that the matter is settled out of the Court.

4] Learned counsel for Appellant submits that the Appellant Asmita Sonone and Respondent Sachin Sonone are present in his office. The Appellant as well as the Respondent accepts the execution of Consent

Terms dated 19th October, 2020 signed by them before the Notary, they admit the contents of the Consent Terms. Same is accepted. The Consent Terms are taken on record and marked as x-for identification. The Consent Terms reads thus :

CONSENT TERMS

It is hereby agreed by and between the Appellant and the Respondent to adhere and abide to the following consent terms mutually understood and signed between them ;

A. The marriage of the Appellant and Respondent is dissolved by mutual consent.

B. All the allegations made against each other should be withdrawn and the disputes amongst them is settled in its entirety as mutually agreed.

C. The Respondent should withdraw all the cases civil, criminal and any other proceedings initiated and/or filed against the Appellant and also the Appellant should withdraw all the civil, criminal, recovery proceedings, police complaints and any other legal proceedings filed against the Respondent and his family.

D. The Appellant and Respondent have amicably agreed to settle the family dispute between them on a note to dissolve their marriage. The Appellant have agreed for and undertakes that Respondent shall pay Rs.12,00,000/- (Twelve Lakh Rupees only) through Demand Draft (DD) drawn in name of "Asmita Madhukar Kalal" bearing number 476210 of State Bank of India bank dated 20/10/2020 as a permanent alimony to Appellant (wife) to (a) dissolve the marriage between them by mutual consent, (b) settle maintenance claim permanently by way of paying alimony and withdraw all the disputes between them.

E. The Appellant (wife) after receiving the permanent alimony mentioned in clause D above undertakes to withdraw in oral and in writing, and give voluntary consent and no objection to quash the FIR bearing No.503 of 2019 filed against

respondent and his family in any court of law and remain present as and when necessary to withdraw the aforesaid FIR bearing No.503 of 2019 registered at Mumbai Naka Police Station, Nashik, essentially arises out of the matrimonial dispute amongst them.

F. The Respondent (husband) undertakes to withdraw in oral and in writing, and give voluntary consent and no objection to quash the criminal complaint filed against the Appellant (wife) in any court of law and remain present as and when necessary to withdraw the aforesaid complaint bearing no. Cri.Misc.Appln. No.2621 of 2018 pending before Ld. Chief Judicial Magistrate Court, At Pune, essentially arises out of the matrimonial dispute amongst them.

G. The Appellant and Respondent declare that no maintenance has to be paid to each other at present, for the past or in future except the permanent alimony mentioned in clause D above. The Appellant do hereby state that she is voluntarily giving up her right to maintenance under existing and/or any upcoming laws with respect to maintenance, after accepting the permanent alimony as specified in clause D of this consent terms.

H. The Appellant and the Respondent have no claims against each other for their properties, maintenance at present, for the past or in the future.

I. The Appellant and the Respondent have given up their rights in respect of movable or immovable properties if any, against each other and the Appellant and the Respondent shall not have any claims of whatsoever nature as regards the movable or immovable properties of each other. The Appellant and the Respondent state that, there are no exchange pending between them and are not claiming any return of gift article which were exchanged before.

J. i] It is agreed that the Appellant and Respondent shall not file any suit/claim/police complaint or any proceeding against each other.

ii] Both the parties agree that they shall not interfere in each other's life hereinafter and shall not cause nuisance to each other. It is agreed that they will not use the names of

either party for any purpose at any place after the completion of this amicable settlement.

iii] Both the parties agree and declare that other than that mentioned in these consent terms neither of them have any claim against each other or their properties at present, for the past or in the future.

K. The Appellant and Respondent agree and hereby declare that the Appellant and Respondent have signed the Consent Terms of their own free will (voluntary) and the same is without any duress undue influence or coercion from any one.

L. The Appellant and Respondent agree and hereby declare that it is agreed and understood by and between the parties that the above terms constitutes the entire settlement of all disputes between the parties hereto and the parties shall not have any further legal claim or demand against each other of any nature whatsoever between them and otherwise.

M. The Appellant and Respondent agree and hereby declare that it is agreed and understood by and between the parties that they will withdraw all the complaints (if any) given to Pune Police Commissioner, Nashik Police Commissioner, Mundhwa police station, Ghorpadi police chowki, women protection cell Pune, women protection cell Nashik, any social/political/NGO/any authority.

N. The Appellant and Respondent agree and hereby declare that we have understood the contents mentioned above and the contents are explained in their mother tongue i.e. in Marathi and English and thereafter we are giving consent to quash the respective complaints against each other.

5] Learned Counsel for Appellant submits that the Respondent-Husband Sachin Sonone has handed over Demand Draft to the Appellant-wife Asmita Sonone. The Appellant-wife admits the acceptance of the same on V.C.

6] In view of this, following order is passed :

a] Family Court Appeal stands disposed of in terms of Consent Terms.

b] Consent Terms to be treated as part and parcel of the Decree.

c] No order as to costs.

d] This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on a digitally signed copy of this order.

[N.R.BORKAR, J]

[K.K.TATED, J]