

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

FAMILY COURT APPEAL NO.190 OF 2019

Hemant Chandrakant Patil ...Appellant
Vs.
Asmita Hemant Patil ...Respondent

....
Mr. Murlidhar L. Patil for the appellant.
Mr. Avinash B. Avhad for the respondent.
....

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

DATE : 21st FEBRUARY, 2020

P.C.

1. Today the matter is shown on the production board pursuant to the praecipe dated 20th February, 2020 filed by the learned counsel for the appellant.
2. Heard learned counsel for the parties.
3. Learned counsel appearing for the appellant submits that by this Appeal, the appellant challenges the judgment and decree dated 3rd July, 2019 passed by the Family Court, Pune in Petition No. A-482 of 2016, dismissing the appellant's Petition under section 13(1)(i-a) of the Hindu Marriage Act for grant of divorce.
4. Both the learned counsel submit that during the pendency of the present Family Court Appeal, the matter is settled between the parties. Both the learned counsel submit that the appellant as well as the respondent are present in the court. They entered into the witness box and admitted the contents of the consent terms. Hence, consent terms are taken on record and marked as Exhibit 'X' for identification. Consent

Terms are as follows :-

"CONSENT TERMS"

The parties to the Appeal have amicably settled the disputes between them and the terms of settlement are as follows:

- 1. The impugned judgement and decree dated 03.07.2019 passed by the Ld. Judge, Family Court No.4, Pune in Petition No.A-482 of 2016 is quashed and set aside and Petition No.A-482 is converted as a petition u/s 13 B for divorce by mutual consent.*
- 2. It is agreed that there shall be a decree of divorce and the marriage between Appellant and Respondent shall stand dissolved by mutual consent of the parties u/s 13-B of the Hindu Succession Act.*
- 3. The Appellant agrees to pay a consolidated sum of Rs.13,00,000/- (Rupees Thirteen Lakhs Only) to the Respondent towards full and final settlement of her claim of present and future maintenance for life.*
- 4. The Respondent states that she has received an amount of Rs.13,00,000/- (Rupees Thirteen Lakhs Only) vide Demand Draft No.000749 dated 11.02.2020 drawn on HDFC Bank, Hinjewadi-2, Blue Ridge, Pune drawn in the name of Asmita Shivsingh Rajput (maiden name of Respondent), as stated in Clause 3 above and makes a statement and gives undertaking to this Hon'ble Court that the said amount received by her is towards her final settlement of maintenance for life and gives up the claims for future maintenance and that she shall not in future make any claim for maintenance or otherwise any claims of any kind.*
- 5. The parties have exchanged the Gold and Silver Ornaments and Items as per the List Enclosed.*
- 6. The Appeal be disposed of in terms of the abovesaid Consent Terms without any costs.*

Advocate for Appellant

Advocate for Respondent

Hemant C. Patil

Asmita Hemant Patil

@Asmita Shivsingh Rajput

(Appellant)

(Respondent)

AFFIDAVIT

I Hemant Chandrakant Patil, Age: 44 years, Occu: Service, the Appellant abovenamed R/at Shreenath 4, Chaphekar Bandhu Marg, Block No. 13, Near Old Khandoba Mandir, Mulund, Mumbai (East) 400081, do on solemn affirmation state that what is stated in the abovesaid Consent Terms are true to my knowledge and I agree and I admit the same.

(Hemant Chandrakant Patil)

AFFIDAVIT

I Asmita Hemant Patil, @ Asmita Shivsingh Rajput Age: 36 years, Occu: Service, the Respondent abovenamed R/at C/o. Shivsingh Rajput, Flat No. 106, Anandyog Society, Vimantal Road, Opp.Lalwani Vastu, Near Symbiosis College, Sakore Nagar, Vimannagar, Pune 411014, do on solemn affirmation state that what is stated in the abovesaid Consent Terms are true to my knowledge and I agree and I admit the same and accordingly I give undertaking to this Hon'ble Court as stated in the Consent Terms.

*(Asmita Hemant Patil
@ Asmita Shivsingh Rajput)"*

5. Hence, the Family Court Appeal is disposed of on the abovesaid terms. Decree to be drawn up according to the consent terms.

6. An Undertaking given in the consent terms is accepted.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)