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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.10953 OF 2019

Shantanu Dhananjay Pashankar ...Petitioner

Versus

Pooja Shantanu Pashankar ...Respondent

Mr. Pradeep J. Thorat for the Petitioner.

Mr. R.S. Kohli a/w Mr. Vikram Chavan and Ms. Ayesha Keshodwala
i/by C.K. Legal for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 13, 2020

P.C.:-

1] Parties hereto are litigating out of matrimonial discord. Proceedings are pertaining to divorce on the ground of cruelty initiated by the Petitioner husband and also that of custody of minor daughter Saloni. Parties hereto have reached to settlement and have drawn Consent Terms, which read as under:-

“CONSENT TERMS

1. The marriage between the Petitioner and the Respondent took place on 20th December, 2003 at Koregaon Park, Pune according to the Hindu Vedic rites and ceremonies. That out of their wedlock the Petitioner and the Respondent have a daughter named Saloni who is born on 18th October, 2010.

2. The Petitioner has also filed a Petition bearing P.D. No.27 of 2018 before the Family Court at Pune under Section 25 of the Guardian and Wards Act, 1890 seeking permanent custody of the minor daughter Saloni.

3. The Petitioner has filed Petition bearing P.A. No.424 of 2018 under Sec. 13(1)(i-a) of Hindu Marriage Act, 1956 against the Respondent for dissolution of marriage before the Family Court, Pune.

4. The Petitioner and Respondent have amicably resolved their dispute with regard to their marriage and have agreed to separate by mutual consent on the following terms :

a. That the Petitioner and Respondent hereby agree that their marriage be dissolved by mutual consent and the decree for divorce be passed.

b. The custody of the minor daughter Saloni is presently

with the Respondent and she is staying with the daughter in Western Hills, A2-201, Survey No. 45/1&2, 46/1&2, besides Bella Casa, Pashan Sus Road, Sus Village, Near Mohannagar CHS., Pune 411021.

c. The Respondent undertakes to this Hon'ble Court that till the pendency of Custody Petition bearing P.D. No.27 of 2018 filed by the Petitioner and which is pending before the Family Court at Pune she will not take the minor daughter out of India. That in the event the Respondent takes the minor daughter Saloni outside Pune she undertakes to inform the Petitioner about the same before leaving from Pune.

d. The Petitioner shall continue to pay an amount of Rs 40,000/- per month towards the maintenance of minor daughter Saloni. The Petitioner shall also continue to pay the amount of Rs 35,000/- per month to the Respondent towards her maintenance till she finds a job or till she gets remarried, whichever is earlier. The said amount of maintenance shall be paid by 10th day of every month.

e. The Respondent undertakes to inform the Petitioner to stop the maintenance payable to her immediately upon her securing a job or upon she remarrying, whichever is earlier.

f. The Petitioner and Respondent agree that the Passport

of minor daughter Saloni which is kept in the Nazir custody of the Family Court at Pune vide Order dated 21st April, 2018 passed below Exhibit-11 in P.A. No.424 of 2018 will remain in custody of the Family Court at Pune till the decision of Custody Petition bearing P.D. No.27 of 2018.

g. The Petition bearing P.A. No.424 of 2018 pending before the Family Court at Pune is disposed off.

h. The Petitioner undertakes to pay the maintenance charges of the residential flat and School Fees of daughter Saloni.”

2] Consent Terms duly signed by both the parties and their respective Counsel are taken on record and marked “X” for the purpose of identification.

3] When interacted during the course of hearing of the present Petition, both the parties have agreed to the aforesaid Consent Terms which are reduced in writing in the document tendered before this Court dated 13/02/2020.

4] Joint request is therefore made by the parties through their

respective Counsel that present Petition and other Petitions be disposed of with appropriate orders.

5] Parties further agree that their marriage be ordered to be dissolved by consent in terms of what has been agreed to hereinabove. It is also jointly agreed that the order passed in these proceedings will be produced before the Court below in divorce proceedings being P.A. No.424 of 2018 pending on the file of Family Court, Pune, so that Family Court, Pune may pass consequential order of disposal of divorce proceedings.

6] It is ordered that consent decree in terms of the above be drawn under Order XXIII Rule 3 of Civil Procedure Code, as has been prayed by the parties. Parties assure that they shall appear before the Family Court, Pune in P.A. No.424 of 2018 with copy of this order for appropriate disposal of the said proceedings.

7] In the backdrop of above above, custody proceedings bearing P.D. No.27 of 2018 pending on the file of Family Court, Pune in regard to custody of minor daughter Saloni are expedited.

8] Parties hereto agree that they shall co-operate with the Family Court, Pune for disposal of the said custody proceedings. Let Family Court, Pune make every endeavour to decide the same within a period of six months from today.

9] As such Petition stands disposed of in view of the Consent Terms.

(NITIN W. SAMBRE, J.)