

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

Family Court Appeal No.33/2019

Arvind Sahdev Gaikwad Appellant

Vs.

Sangita Arvind Gaikwad Respondent

Smt. Anjali Neel Helekar for the Appellant

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

DATED : FEBRUARY 5, 2020

P.C.

1 Pursuant to the praecipe filed by the learned counsel for the Appellant, the matter is taken on production board.

2 The learned counsel for the Appellant submits that, this court, by order dated 23.08.2019 permitted them to file proceedings for divorce by mutual consent. Clause 7 of the Consent Terms reads thus:

“7. The parties agree for divorce by mutual consent and accordingly, the marriage between the parties will stand dissolved by decree of divorce passed in the present Family Court Appeal by setting aside the judgment and decree dated 30.07.2018 passed by the Family Court, Bandra and the same shall take effect on payment of last installment.”

3 The learned counsel for the Appellant submits that subsequently, the Family Court at Bandra passed the judgment dated 06.11.2019 in Petition No.F-2804/2019 granting divorce to both the parties. Operative part of the said order reads thus:

- “1. The petition is allowed.*
- 2. The marriage solemnized between Petitioner No.1 Arvind and Petitioner No.2 Sangita on 16.04.1992 is hereby dissolved as per Section 13-B of the Hindu Marriage Act 1955 with effect from the date of decree.*
- 3. Consent terms annexed along with the petition to form part of the decree.*
- 4. The parties shall bear their own cost.*
- 5. Copy of decree be given free of costs to both parties as per Section 23(4) of the Hindu Marriage Act, 1955.*
- 6. Decree be drawn up accordingly.*

4 In view of the subsequent development, nothing survives in the Family Court Appeal. Hence, same stands disposed of as infructuous. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)