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

MISC. CIVIL APPLICATION NO.58 OF 2022

Mrs. Deepali Amit Wanve ..Applicant

Versus

Amit Marutirao Wanve ..Respondent

Mr. Shriram S. Kulkarni i/by Swapnil S. Mhatre, for the Applicant.

Mr. R. G. Hange i/by Satyajeet P Dighe, for the Respondent.

Applicant & Respondent in person present.

CORAM : NITIN W. SAMBRE, J.

DATE : 29th MARCH, 2022

PC.

1. Leave to amend.

2. Amendment be carried out forthwith.

3. In an application under Section 24 of the CPC, parties hereto have agreed to settling the dispute arising out of matrimonial discord and have accordingly under their signatures and also countersigned by their respective lawyers placed on record minutes of order/consent terms.

4. A joint request is made by the respective parties through their counsels for disposal of application in terms of minutes of order which are tendered in this Court. It is also claimed that said minutes of order be permitted to be tendered before the Family

Court based on which decree for divorce by mutual consent can be prayed

5. Parties hereto in response to the Court's query admit contents to be true as are reflected in the minutes of order and further state that they have duly signed every page of the minutes of order which are taken on record and marked "X" for identification. Said minutes are accordingly treated as consent terms.

6. On request of the parties to the application, the Court Shirestedar is directed to issue authenticated copy of the minutes of order referred above, which is already marked as "X" for identification, so as to facilitate the parties to appear before the Family Court, Beed in pending proceedings being HMP No.A-271 of 2021 between Amit s/o Marutirao Wanve Vs. Sau. Deepali w/o Amit Wanve with a prayer for grant of decree of divorce by mutual consent based on the terms mentioned therein.

7. Parties hereto jointly submitted that the aforesaid HMP No.A-271 of 2021 which is preferred under Section 13(1)(1a)(1b) of the Hindu Marriage Act, 1955 be treated and permitted to be converted to be one under Section 13B of the Hindu Marriage Act, 1955.

8. Permission granted.

9. The Family Court shall permit the present non-applicant to carry out appropriate amendment on the date of their first

appearance to the above effect.

10. I have interacted with the parties in the presence of their respective counsels and this Court is satisfied that notice period as contemplated under Section 13B of the Hindu Marriage Act can be waived as has been laid down by the Hon'ble Supreme Court in the matter of ***Amit Kumar Vs. Suman Beniwal*** reported in **AIR 2022 SC 570**. As such, notice period stands waived.

11. Family Court as such is requested to proceed with the divorce petition to be one preferred under Section 13B of the Hindu Marriage Act on 11th April, 2022. Both the parties have assured this Court that they shall be appearing before the Family Court, Beed on the said date in the morning at 11:00 a.m.

12. Parties hereto further assure that they shall be completing all the rituals as are mentioned in the consent terms before the Family Court which have to be treated in the form of an undertaking.

13. Family Court, Beed as such is requested to proceed ahead with the matter having regard to the provisions of Section 13B of the Hindu Marriage Act.

14. The present application as such stands disposed of.

[NITIN W. SAMBRE, J.]