

Uday S. Jagtap

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

FAMILY COURT APPEAL NO. 102 OF 2010

Dilip Sampatrao Aagale .. Appellant

Vs.

Apeksha Dilip Aagale .. Respondent

Ms. Kokila Kalra for appellant

Mr. Vishal Kanade a/w Mr. Mohil Punjabi i/b Mr. Sanjay S. Gawade for
respondent

Mr. Dilip S. Aagale, appellant present in Court

Mrs. Apeksha D. Aagale, respondent present in Court

**CORAM : K. R. SHRIRAM &
PRITHVIRAJ K. CHAVAN, J.J.**

DATED : 23rd JUNE, 2022

P.C.

1. Parties have amicably resolved the matter and entered into Consent Terms, dated 23rd June, 2022. The Consent Terms signed by appellant, respondent and their respective Advocates is taken on record and marked "X" for identification. The signatures of the appellant and the respondent are identified by their respective advocates. Appellant and respondent are present in Court and are also identified by their respective advocates. Both appellant and respondent informed the Court that they have signed the consent terms willingly and understood the contents thereof. For ease of reference, the same is scanned and reproduced as below:-

**UDAY
SHIVAJI
JAGTAP**

Digitally
signed by
UDAY
SHIVAJI
JAGTAP
Date:
2022.06.29
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IN THE HIGH COURT OF JUDICATURE AT BOMBAYCIVIL APPELLATE SIDEFAMILY COURT APPEAL No. 102 of 2010

Dilip Sampatran Angule

Appellant

Versus

Apexsha Dilip Angle

Respondent

CONSENT TERMS

The Appellant and the Respondent have mutually agreed to amicably and unconditionally resolve the issues between them in the captioned Appeal on the basis of the terms and conditions recorded herewith and accordingly this captioned Appeal shall stand disposed off:

1. The Respondent had filed Divorce Proceedings u/s 13(I) (ia) & (ib) of the Hindu Marriage Act, 1955 and it was the case of the Respondent that the Appellant had subjected her to cruelty and desertion and the Appellant had denied these allegations on the basis of the defenses recorded in the proceedings therein. It was the defense of the Appellant that the Respondent had made false allegations against him to which the Respondent denied. After hearing both the parties, the Hon'ble Family Court No.4 Mumbai at Bandra was pleased to pass a Decree of Divorce on 29.10.2009 ("said Divorce Decree") and the marriage between the Appellant and the Respondent was ipso-facto dissolved. The claims of the Respondent for permanent alimony, maintenance, streedhan, certificate and separate accommodation were dismissed. It is the case of the Appellant that in these proceeding, all required evidence was provided by the Appellant to prove the perjury committed by the Respondent. It was further alleged by the Appellant that the Respondent had with deliberate and

malafide intention in order to tarnish the image of the Appellant publicly had filed a FIR bearing No. 357 of 2005 u/s 498A, 406 r/w 34 of the Indian Penal Code, 1880 ("IPC") and basis Case No. 4500139/2006 was registered before the Kurla Metropolitan Court on 06.04.2013 ("said case"). The respondent denies these allegations. The Appellant was acquitted from all charges and accordingly the FIR was set aside and quashed and this Criminal case was disposed off accordingly.

2. Since the Family Court at Bandra had decreed the said marriage petition filed by the Respondent on the ground of cruelty and desertion allegations by the Respondent herein, the Appellant had filed the captioned Appeal before the Hon'ble Bombay High Court.

3. In view of passage of time the parties have agreed to dispose off the present appeal as follows:

a. It is agreed between the Appellant and the Respondent that as recorded in the said Decree, the marriage between the parties hereto stands unconditionally and irrevocably dissolved and that the Appellant and the Respondent do not have any claims right, title and interest of whatsoever respectively in each other's assets (both moveable and immoveable) and that at any time in future they undertake not to file any claim(s) thereof in any court of law, tribunals, authority(s), forum(s) etc. against each other respectively.

b. It is further agreed, accepted and confirmed by the Respondent that she will not be entitled to claim from the Appellant (i) permanent alimony; (ii) maintenance; (iii) return of streedhan; (iv) certificate and (v) separate accommodation which has been also recorded in the said Divorce Decree.

[Signature]
2016/12/28

[Signature]

c. It is agreed between the Appellant and the Respondent that they withdraw all the allegations made against each other and their respective claims/allegations shall stand withdrawn from the date hereof and further it is also agreed between the Appellant and the Respondent that they will not interfere in each other's life in any manner whatsoever.

Place: Mumbai)
 Dated this 25th day of June 2022)

[Signature]
 Appellant

[Signature]
 Respondent

K. Kabe
 Advocate for the Appellant
(Only for Identification Purpose)

[Signature]
 Advocate for the Respondent
(Only for Identification Purpose)

2. All statements in the consent terms are accepted as undertakings to this Court. All undertakings are also accepted. Order in terms of consent terms.
3. Appeal stands disposed. No order as to costs.
4. Decree to be drawn up in terms of these consent terms.

(PRITHVIRAJ K. CHAVAN, J.)

(K.R. SHRIRAM, J.)