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

FAMILY COURT APPEAL NO. 34 OF 2021

ALONG WITH

INTERIM APPLICATION NO. 3545 OF 2020

(This order is corrected pursuant to the speaking to minutes order dated 04th August, 2022)

Chitra Vishal Awad

...Appellant/Applicant

Versus

Vishal Balasaheb Awad

...Respondent

- Adv. Grishma Nikhil Lad for the Appellant / Applicant.
- Adv. Priyanka H. Chavan for Respondent.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : JULY 27, 2022.

P. C. :

1. Vide order dated 29th June, 2022, the Division Bench of this Court was pleased to refer the matter to learned Advocate Hitesh Vyas. Learned Mediator was requested to complete mediation and submit report within three weeks.

2. Today, the report of learned Mediator is received along with the terms of settlement between the parties duly signed by respective parties and their respective advocates. The consent terms is taken on record and marked as Exhibit A. List of articles is annexed to the terms of settlement at annexures A and B. Two receipts are also annexed as annexure C and D. Certain other documents in the form of valuation report and copy of

demand draft are also annexed to the terms of settlement. It is stated in the report of learned Mediator thus:

“Accordingly on 27-07-2022 the respective advocates have submitted draft Consent terms duly approved/signed by the parties. “The Mediation Process is thus concluded as MEDIATION SUCCESSFUL.”

3. As the present Appeal is filed challenging the judgment and order passed by the learned Judge of the Family Court, Pune in Petition No. A.-47/2015 and the marriage between the parties was declared to resolved by decree of divorce under the provisions of Section 13(1)(ia) of the Hindu Marriage Act, 1955 and in view of learned Mediator’s report, the decree of divorce accordingly be modified in terms of settlement and Mediator’s report. It is agreed between the parties to convert a decree under Section 13 (B) of the Hindu Marriage Act, 1955 as per clause 2 of the consent terms. Therefore, decree be modified as decree under Section 13(B) instead of Section 13(1)(ia) of the Hindu Marriage Act, 1955. The consent terms at Exhibit – A be the integral part of the said Decree.

4. In view of above referred observations, the Family Court Appeal is disposed of.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)