

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

FAMILY COURT APPEAL NO. 77 OF 2016

WITH

FAMILY COURT APPEAL NO. 82 OF 2016

Pradeep T. Datwani

... Appellant

Vs.

Mansi P. Datwani

... Respondent

WITH

INTERIM APPLICATION NO. 30269 OF 2022

IN

FAMILY COURT APPEAL NO. 147 OF 2014

Mansi P. Datwani nee Dudani

.. Applicant

IN THE MATTER BETWEEN:

Pradeep Tikamdas Datwani

.. Appellant

Vs.

Mansi P. Datwani

.. Respondent

Aditi Naikare, advocate for the Appellant.

Taubon F. Irani, advocate for the Respondent

**CORAM : K. R. SHRIRAM &
KAMAL KHATA, JJ.**

DATED : 21st DECEMBER 2022

PC. :

1. In compliance with the order dated 16th December, 2022, Respondent has filed an Affidavit affirmed on 21st December, 2022 consenting to the Court converting the Decree of Divorce granted by the Family Court on 17th November, 2015 into a Divorce by Mutual Consent.
2. As far as Appellant is concerned, Ms. Irani places on record a

print out of scanned version of unaffirmed Affidavit and which is signed but not notarised, wherein Appellant also prays that a Decree of Divorce granted by the Family Court on 17th November, 2015 be converted into a Divorce by Mutual Consent. The same is taken on record and marked "X" for identification and for ease of reference the same is scanned and reproduced hereinbelow:

Tendered in Court, taken on record
= X Dec 21/11/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 77 OF 2016
AND
FAMILY COURT APPEAL NO. 82 OF 2016

District: Mumbai

Pradeep T. Datwani, of Mumbai Indian
Inhabitant, residing at Flat 1504, 15th
Floor, C Block, Kanti Apartments, Mount
Mary road, Bandra (W) Mumbai 400050
...Appellant

Versus

Mansi P. Datwani, residing at 10th Floor,
Solitaire Apartments, Bandra (W) Mumbai
400050
... Respondent

AFFIDAVIT ON BEHALF OF THE APPELLANT
HEREIN ABOVE

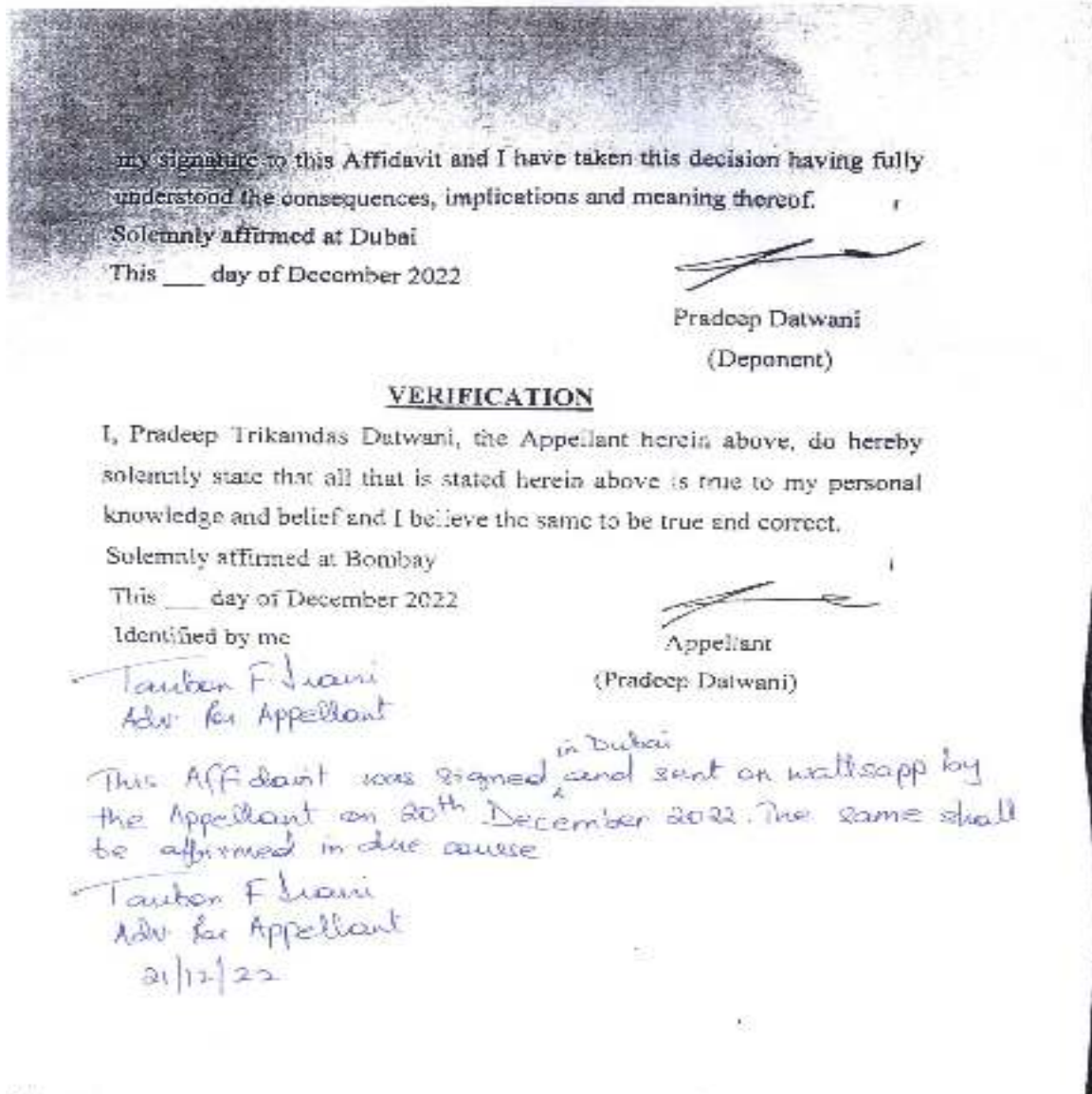


MOST RESPECTFULLY SHEWETH

I, Pradeep Trikamdas Dalwani, aged 52 years, Hindu, having permanent address at flat no.1504, 15th floor, C-Wing, Kanti Apartments, Bandra (W), Mumbai -50, presently in Dubai, am well versant with the facts of the matter and able to depose and do hereby solemnly state as under:

1. I say that I have filed the above captioned Family Court Appeal challenging the impugned order dated 17th November 2015 passed by the Hon'ble 1st Family Court at Bandra, Mumbai in Petition no. A-1059 of 2005 and Petition no. A- 1429 of 2005.
2. I say that I accept and acknowledge that my marriage to the Respondent herein on 18th June 1999 has irretrievably broken down and there is no chance for a reconciliation under any circumstances. I say that our only child Avantika, who was born out of our wedlock on 24th April 2004 has attained the age of majority on 24th April 2022 and I believe that it is time we put aside our differences and resolve our disputes amicably in the interest and for the welfare of all.
3. I say that the Respondent and I have decided to part ways mutually. I hereby withdraw all allegations levelled against the Respondent in every proceedings and pray that this Hon'ble Court may be pleased to set aside the impugned order dated 17.11.2015 and dissolve our marriage solemnized on 18th June 1999 U/S 13B of The Hindu Marriages Act, 1955. I say that I withdraw my plea for seeking Restitution of Conjugal Rights.
4. I say that whatever stated herein above is true and correct to the best of my knowledge and belief. I say that I have prepared this affidavit in lieu of the order dated 16th December 2022 passed by this Hon'ble Court in IA st. no. 25448 of 2022 in FCA no.147 of 2014.
5. I say that I am of sound mind, and there is no force or coercion from anyone upon me to affirm this Affidavit. I say that I have of my own volition put





3. Ms. Irani identified the signature of Appellant. Ms. Irani states that Appellant is presently in Dubai and in view of ensuing Christmas Holidays and the fact that it takes longer in Dubai to get the documents

notarised prays that Appellant be permitted to file the Original Affidavit within three weeks from today. Ms. Naikare has no objection. Appellant to file the affidavit within 3 weeks.

4. In the circumstances, the Decree of Divorce granted on 17th November, 2015, by consent, is converted into a Decree of Divorce by Mutual Consent in view of irreconcilable differences between the parties.

5. Appeal accordingly disposed.

6. Drawn up Decree expedited.

7. In view of the above, Ms. Irani seeks leave to withdraw the Appeal No. 82 of 2016. The same is dismissed as withdrawn.

8. All Interim Applications stand disposed.

Digitally
signed by
GANESH
SUBHASH
LOKHANDE
Date:
2022.12.23
17:19:06
+0530

(KAMAL KHATA, J.)

(K. R. SHRIRAM, J.)