

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

**FAMILY COURT APPEAL NO.42 OF 2021
WITH
INTERIM APPLICATION NO.2233 OF 2021**

Vinod Shravan Pardeshi .. Appellant/ Applicant
v/s.
Mrs. Komal Vinod Pardeshi .. Respondent

...

Mr. Suraj L. Vaswani, for appellant/applicant.

Mr. A. K. Prajapati a/w. O. D. Goswami for respondent.

...

**CORAM : K. R. SHRIRAM &
KAMAL KHATA, JJ.
DATED : 14TH DECEMBER, 2022.**

P.C. :

1. Parties have amicably settled the dispute and entered into minutes of consent terms dated 14th December 2022. The minutes of consent terms signed by appellant, respondent and their respective advocates is taken on record and marked 'X' for identification. Both appellant and respondent are present in court and identified by their respective advocates.

2. Respondent stated that the consent terms has been explained to her in Hindi by the advocate. When we asked respondent what has been explained to her, respondent replied in Hindi that the decree of divorce granted earlier will be converted into a decree by mutual consent for permanent alimony of Rs.10,00,000/- (Rupees Ten Lakhs) paid to her, which she confirmed receipt, and that she has taken away all her jewellery, belongings and streedhan. Respondent stated that she has understood that she will have to withdraw the Domestic Violence complaint lodged by her at Pune and that she will have no right or claim on appellant or any of his assets that he has or that he may acquire in future. We were satisfied that respondent has understood the terms clearly.

Appellant ofcourse states that he reads and understand English. .

3. The marriage between appellant and respondent solemnized on 8th December 2008, hence, is dissolved by mutual consent.

Both parties state that there is no child out of the said marriage.

4. For ease of reference, the minutes of consent terms is scanned and reproduced below.

X ¹/₂
124/12/22

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY**

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 42 OF 2021

DISTRICT: PUNE

Mr. Vinod Shrivankumar Pardeshi

Age: 44 years, Occupation: Service

S.No. 24, Bhau Patil Chawl, Bopodi

Punc-411020

... Appellant

V/s.

Mrs. Komal Vinod Pardeshi

Age: 41 years, Occupation: Business

R/At: c/o. Shri. Balam Hariprasad Pardeshi

316, Kasewadi, Sapikar Road, Bhavani Peth

Pune-411042

... Respondent

MINUTES OF CONSENT TERMS

1. The Appellant and the Respondent have by consent settled their matrimonial disputes through Mediation on following terms:



Komal

- a. The Appellant and the Respondent jointly agree and pray to this Hon'ble Court to convert Family Court Appeal No. 42 of 2021 preferred against Decree dated 10th March 2021 in Petition No. A-624 of 2015 into a Petition for Divorce by Mutual Consent as provided U/Sec. 13-B of The Hindu Marriage Act, 1955.
- b. The Respondent agrees and undertakes not to claim any maintenance – past, present and future from the Appellant.
- c. The Appellant confirms and undertakes to pay one-time permanent alimony of **INR 10,00,000 (Ten Lakhs Only)** to the Respondent bearing Demand Draft (D.D.) No. 48598 drawn on Axis Bank, Kothrud Branch, Pune, dated 11th November 2022.
- d. The Respondent has already taken away all her jewellery and belongings on 4th July 2012 when the Respondent left her matrimonial home which is her "Streedhan" and has no grievance about the same.
- e. The Appellant and the Respondent jointly agree and undertake that they shall not make any claim in respect of movable and immovable properties of each other **AND** there is no exchange of articles pending between the Parties as the said process is completed before signing the present Consent Terms.
- f. The Respondent hereby withdraws Domestic Violence (D.V.) case bearing Cri. M.A. No. 401015 of 2013 lodged by the Respondent against the Appellant and his family at JMFC, Shivajinagar Pune.



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- g. The Appellant and the Respondent submit that their marriage has failed irretrievably and despite efforts made, reconciliation of the same could not bring any settlement between them and as such dissolution of their marriage by Mutual Consent is the only remedy. The Appellant and the Respondent are not residing together since last more than 10 years.
- h. The Appellant and the Respondent undertake that they will not interfere in any manner whatsoever in each other's life in future.
- i. The Appellant and the Respondent jointly agree and undertake that they will not initiate any legal proceedings either Civil or Criminal against each other in future in respect to their matrimonial issues.
- j. The Appellant and the Respondent submit that there is no collusion or connivance between them in presenting the Consent Terms.
- k. The Appellant and the Respondent undertake to abide by these Consent Terms and the same are binding upon both of them.
- l. The contents of the present Minutes of Consent Terms are read over and explained to the Appellant and the Respondent in English, Hindi and Marathi vernacular, which are true and correct.



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2. The Appellant and the Respondent therefore pray that their marriage solemnized on 8th December 2008 be treated as dissolved by Mutual Consent as provided U/Sec. 13-B of The Hindu Marriage Act, 1955.

3. No Order as to costs.

Dated this 14th day of December 2022

Identified by me,

SL Vaswani
Advocate for the Appellant
SUAJ L. VASWANI

Vinod S. Pardeshi
Appellant
VINOD S. PARDESHI

Identified by me,

C.A.K. Prajapati Advocate
Advocate for the Respondent
C.A.K. Prajapati Advocate

Komal
Respondent
[Komal Vinod Pardeshi]

5. Order in terms of Minutes of Consent Terms.
6. Respondent states she will take steps within two weeks from today to withdraw the Domestic Violence case bearing Cri. M.A. No.1015 of 2013 pending before J.M.F.C., Shivajinagar, Pune. Mr. Prajapati states that a copy of the application shall be provided to appellant at least three days before the application is filed so that appellant can also remain present, if he so wishes, on the date the application is made. Statements accepted as undertaking to the court. The J.M.F.C. Shivajinagar, Pune to endeavour to dispose the withdrawal application within four weeks of filing the same.
7. All other statements and undertakings of both parties accepted.
8. All to act on authenticated copy of this order. Drawn up decree expedited.
9. No order as to costs.

(KAMAL KHATA, J.)

(K.R. SHRIRAM, J.)