

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1313 OF 2022

Usha Dilipkumar Modi .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO.2107 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1313 OF 2022

Nishi Modi .. Applicant
Versus
The State of Maharashtra .. Respondent

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Dr.Abhinav Chandrachud with Mr.Datta Mane for the Applicant.

Ms.Veera Shinde, A.P.P. for the State/Respondent.

Mr.Mubin Solkar with Mr.Vaibhav Shah and Mr.Amir Sopariwala i/b Mr.Yusuf Mithi for the Intervenor/Respondent No.2.

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CORAM: BHARATI DANGRE, J.
DATED : 27th SEPTEMBER, 2022

P.C:-

1. Since the present application arose out of the matrimonial discord between the complainant on one hand and her in-laws on the other hand, they were referred for mediation.

2. Justice S. J. Kathawalla, who was appointed as a Mediator, has submitted his report and it is accompanied with the terms of settlement agreed between Dr.Kinjal Dilipkumar Modi, the husband and the wife Dr.Nishi Modi.

The matrimonial discord has been put to an end by stipulating certain conditions, which the parties have agreed to abide by. The husband and wife have agreed that the marriage subsisting between them shall be dissolved in terms of the Consent Terms to be filed before the Family Court, which shall form a part of the decree of divorce.

In paragraph (H) of the said terms, it is specifically agreed and stated by the parties that the terms of settlement is a whole and composite settlement arrived at between the parties and they have arrived at the aforestated terms of their own free will and after understanding the terms contained therein, they have inked them. The terms of settlement are signed by the husband and wife, in presence of their counsel.

The terms of settlement are taken on record and marked 'X' for identification.

3. Unfortunately, it is informed that the applicant-Usha Dilipkumar Modi, the mother of the husband, has expired on 08/08/2022. Be that as it may, though the said event has rendered the present application infructuous, since in these proceedings, her son and daughter in law, have arrived at terms of settlement and she, in any case, was not a signatory to the terms, the application is disposed off, as infructuous. The terms of settlement should be acted upon between

Dr.Kinjal and Dr.Nishi, as agreed. The parties are at liberty to make use of the consent terms in whatsoever proceedings they are desirous to file the terms for settling the matrimonial discord between them.

4. A request comes from the signatories to the consent terms that the mandatory period for bringing out an application under Section 13(B) of the Hindu Marriage Act should be waived, in the wake of the settlement arrived at between the parties.

I see no hesitancy in granting the said request, but since I am not seized of the proceedings, let the learned Judge before whom the proceedings are filed, consider the relaxation of the mandatory period, particularly taking note of the terms of settlement, which has a limited life.

5. In view of the disposal of the application, interim application does not survive and stands disposed off.

(SMT. BHARATI DANGRE, J.)