

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4103 OF 2021
ALONG WITH
WRIT PETITION NO.7341 OF 2021**

Neha Nakul Toshniwal] ... Petitioner

Vs.

Nakul Vinay Toshniwal] ... Respondent

...

Ms. Manjula Rao with Edith Dey for the petitioner.

Ms. Taubon Irani with Alya Khan, Ms. Shikha Dharia i/b Vashi
& Vashi for the respondent.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH JUNE, 2022.

P.C.:-

1. By order dated 25/03/2022, Shri Justice S.J. Kathawalla (former Judge of this court) was appointed as a mediator to assist the parties to arrive at an amicable settlement.

2. On the reference being made to the learned mediator, the mediation proceedings were conducted successfully and the report of the mediation dated 04/06/2022 is received by this court. The same is taken on record and marked 'X' for identification. The mediation report is accompanied by the terms of settlement arrived at between the petitioner and the respondent, wherein the parties have agreed that all existing disputes, claims and/or counter-claims between the parties stand mutually and amicably resolved with no claims outstanding against each other. A consensus is arrived at between the parties that the marriage petition bearing No.A-886 of 2022 shall be converted into a petition by mutual consent under Section 13-B of the Hindu Marriage Act.

3. The terms of settlement also resolve the issues about the residence, maintenance, education of the daughters, their custody and access as well as the travel arrangements. The parties have undertaken to unconditionally withdraw all allegations, insinuations, averments and aspersions cast against each other, their family members and respective affiliates / entities, etc. It is further agreed that the necessary consent terms shall be executed between the parties before the Family Court within one week and the marriage between them shall be resolved in terms of the consent terms to be filed before the Family Court, which shall also form part of the decree of divorce. The terms of settlement are inked by the parties and their advocates on 04/06/2022.

4. Since the issues have been put to rest in the wake of the settlement, the writ petition deserves a disposal and is disposed off accordingly.

5. The Family Court, where the parties are likely to approach by converting the pending petition into a petition by mutual consent under Section 13-B of the Hindu Marriage Act, shall take into account the separation of the parties for more than two years and, taking into consideration this fact, the Family Court is at liberty to waive the statutory mandatory period prescribed under Section 13-B of the Hindu Marriage Act and expeditiously dispose off the marriage petition in terms of the consent arrived at between the parties.

6. Before concluding, I must place my appreciation to Justice Kathawalla because of whose strenuous efforts, the parties could arrive at the terms of settlement and the petition could be settled.

7. The writ petition is disposed off.

[SMT. BHARATI DANGRE, J.]