

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

CIVIL APPLICATION NO.266 of 2019

IN

FAMILY COURT APPEAL (L) NO.18544 OF 2019

Chirag Shantilal Khirani

.. Appellant

v/s.

Mrs. Neelam Chirag Khirani

.. Respondent

...

Mr. Kiran Jain a/w Rajesh Patil i/b. Kiran Jain & Co. for appellant.

Mr. Chirag Khirani – present.

Ms. Neelam C. Khirani – present.

Mr. Akram Kapoor for applicant/respondent.

...

CORAM : K. R. SHRIRAM &

KAMAL KHATA, JJ.

DATED : 30TH NOVEMBER, 2022.

P.C. :

1. By consent, Civil Application is allowed.
2. Parties have amicably settled their disputes and have entered into Consent Terms dated 30th November, 2022. Consent Terms signed by appellant, respondent and their respective Advocates is taken on record and marked "X" for identification. Both counsel identified their respective clients. Appellant and respondent are present in Court and confirm having signed the

consent terms after reading and understanding the same.

3. For ease of reference, Consent Terms as scanned and reproduced below:

Tendered in cash
30/11/22

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. OF 2019
(STAMP NO. 18544 OF 2019)
IN
M. J. PETITION NO. A-2085 OF 2013
DIST: BOMBAY

Mr. CHIRAG SHANTILAL KHIRANI |
aged about 39 yrs., Occ. Service, |
of Mumbai, Indian inhabitant, d/at C/o. |
Shri. Jeetendra Khirani, Flat No.601 Pinto |
Villa S.K. Bole Road, Dadar (W) |
Mumbai – 400 028. |... Appellant
(Org. Petitioner)

Versus

Mrs. NEELAM CHIRAG KHIRANI |
Aged about 37 years, Occ: Housewife |
R/o. Kanchan Palace Junction, |
M.G. Road, Chitranjan Road, Vile Parle |
(East), Mumbai. |... Respondent
(Org. Respondent)

CONSENT TERMS

Chirani
Neelam

1. The parties state that the marriage between them was solemnized on 07th February 2006, at Chitrakut Ground, Andheri, Mumbai as per Hindu Vedic rites and rituals. The said marriage was registered.
2. The parties have not cohabited as husband and wife and are living separately since May 2011. The parties are thus living separately for more than one year as mandated under the provisions of the Hindu Marriage Act, 1955.
3. The parties state that their marriage has broken down irretrievable and there is no possibility for reconciliation and therefore have mutually decided to dissolve the marriage by mutual consent, accordingly the said marriage dated 7th February 2006 is doth hereby dissolved on the following terms and conditions:-

A. CUSTODY/ ACCESS:

- (i) There is one child born from the said wedlock, daughter, Heliza Khirani born on 19th May 2010 at present around 12 years of age and she is in mother's permanent care and custody. The custody of the said daughter is taken by the Respondent wife willingly and undertook to maintain her solely.



- (ii) **Agreed and declared** that the Appellant herein shall have access and visitation rights to the child at any time according to the convenience of both the parties.

B. PERMANENT ALIMONY/MAINTENANCE:

Agreed and declared between the parties that the Appellant has handed over to the Respondent by way of Pay Order of Rs. 80 Lakhs (i) bearing No.103399 dated 11/11/2022 of Rs.9,90,000/- (ii) bearing No.103400 dated 11/11/2022 of Rs.9,90,000/- (iii) bearing No.103402 dated 11/11/2022 of Rs.9,90,000/- (iv) bearing No.103403 dated 11/11/2022 of Rs.9,90,000/- (v) bearing No.103404 dated 11/11/2022 of Rs.9,90,000/- (vi) bearing No.103405 dated 11/11/2022 of Rs.9,90,000/- (vii) bearing No.103407 dated 11/11/2022 of Rs.40,000/- (viii) bearing No.103397 dated 11/11/2022 of Rs.9,90,000/- (ix) bearing No.103398 dated 11/11/2022 of Rs.9,90,000/- (x) bearing No.103409 dated 21/11/2022 of Rs.40,000/- all Pay Orders drawn on Bank of Baroda, Branch Dadar, Mumbai, in favour of the Respondent towards full and final settlement amount and future maintenance towards the Respondent and daughter Heliza.



C. The parties state that the Appellant had filed M.J. Petition No. A-2085 of 2013 U/s. 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955 for divorce against the Respondent. The said petition for divorce along with custody was dismissed by the Hon'ble Family Court, Mumbai by an order and judgement dated 21.12.2018. Thereafter, the Appellant filed the above appeal challenging the dismissal order dated 21/12/2018. With the consent of both the parties, the above Appeal is allowed and the Order and Judgement dated 21st December 2018 of the Hon'ble Family Court is set aside and recalled. The marriage dated 7th February 2006 between the parties is hereby dissolved.

D. Agreed, declared and undertaken by the Respondent that the Domestic Violence Case No. 48/DV/2011 stands ~~compounded and~~ settled hence the Respondent has unconditionally withdrawn the Domestic Violence Case No. 48/DV/2011 on 21/11/2022 and also withdrawn the Criminal Complaints in the event if any and all criminal cases, complaints filed by her before the Hon'ble Court against the Appellant and his family members the same would be withdrawn. The Appellant has paid entire maintenance amount to the Respondent and her daughter from 2011 to November, 2022 in the

[Signature]

[Signature]

said Domestic Violence Case No. 48/DV/2011 as per Order dated 04/08/2012.

E. MISCELLANEOUS:

- i. Agreed and declared by and between the parties that they both hereby confirm that the above understanding has been arrived at by the parties with their free will, own volition and mutual consent without any force, fraud, coercion, undue influence, pressure or duress whatsoever and there is no collusion between parties.
1. Agreed and declared between the parties that the said marriage dated 7th February 2006 is dissolved and the Decree for Dissolution of Marriage is passed.

Dated this 30th day of November, 2022.



Advocates for the Appellant

Ruiyanka
Advocate for the Respondent
(Adv. Ruiyanka Boudle)



Shikhar
Appellant



Ruiyanka
Respondent



4. Respondent Neelam Chirag Khirani states that only one DV complaint as mentioned in paragraph (D) on page 4 of the Consent Terms has been filed which has been withdrawn and there are no other complaints or proceedings filed by respondent against appellant. All statements accepted as undertaking to this Court.

5. The marriage between the parties is dissolved by mutual consent. Appeal disposed. Drawn up decree expedited.

(KAMAL KHATA, J.)

(K.R. SHRIRAM, J.)