

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

WRIT PETITION NO. 10943 OF 2019

Mr. Rajesh Sunderdas Sobhani

.... Petitioner

v/s.

Mrs. Sheetal Rohra w/o. Rajesh
Sobhani

.... Respondent

Mr. Ravindra S. Pachundkar for the Petitioner.

Ms. Grishma N. Lad for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

. The Petitioner has challenged the order dated 22/04/2019 passed by the learned Judge, Family Court, Bandra in M.J. Petition No.A/1544 of 2017.

2. Considering the nature of dispute an endeavour was made to settle the dispute amicably. Accordingly, matter was taken today in the Chamber. Both parties have agreed to settle the matter amicably. They have remained present along with their respective counsel and have tendered consent terms, which read thus:-

“ The Parties herein have now decided to dissolve the marriage by amicable settlement by Mutual Consent on the following terms and conditions.

***AND WHEREAS** the parties herein desire to reduce into writing the terms and conditions for the dissolution of their marriage, terms and conditions relating to exchange of their respective personal articles, alimony and/or maintenance by executing this Consent Terms which appear hereinafter, as under:*

NOW THIS CONSENT TERMS WITNESSETH AS UNDER:

- 1. This Consent Terms will come into effect on the date of its execution.*
- 2. After the execution of this Consent Terms, Parties herein shall have no relations of whatsoever nature with each other in future.*
- 3. The Petitioner Husband has agreed to pay to the Respondent Wife one time lumpsum amount of Rs. 9,00,000/- (Rupees Nine Lakhs only as alimony / maintenance towards full and final settlement. The Petitioner Husband as per the orders of this Hon'ble Court has already deposited total amount of Rs.2,00,000/- (Rupees Two Lakhs Only) which the Respondent Wife agrees and confirms to have withdrawn the same. The Parties confirm and agree that the amount of Rs.2,00,000/- (Rupees Two Lakhs Only) already received by the Respondent Wife shall be deducted from the one-time lumpsum amount of Rs. 9,00,000/- (Rupees Nine Lakhs only as alimony / maintenance and the balance payable by the Petitioner Husband shall be Rs.7,00,000/- (Rupees Seven Lakhs Only).*
- 4. The Parties agree that the Petitioner Husband shall by first week of May 2022 prepare a Demand Draft totaling to Rs.7,00,000/-*

(Rupees Seven Lakhs Only) in the name of Sheetal Ramesh Rohra to be credited to her bank account 100079303450 with Indusind Bank.

5. *The Petitioner Husband on sharing the Demand draft through his Advocate to the Advocate of the Respondent Wife, it is agreed between the Parties that the M.J. Petition No.1544 of 2017 before the Hon'ble Family Court at Bandra Cr. No.7 shall be taken on board by the second week of May 2022 and be converted to the Petition for Divorce by Mutual Consent and file necessary Affidavits and documents. The Parties further confirm that the Demand draft of Rs.7,00,000/- (Rupees Seven Lakhs only) shall be handed over to the Respondent Wife simultaneously at the time of granting Decree of Divorce.*
6. *On the compliance as stated hereinabove the Parties agree to withdraw the following Petitions i.e. Regular Darkhast Petition being R.D Petition No.260 of 2019 and Petition No.747 of 2016 (RCR Petition) before the Hon'ble Joint Civil Judge Senior Division Pune.*
7. *Subject to the compliance of the above, the Parties herein submit that the Parties agree that all the disputes between the parties in respect of all properties, including all their articles, items of jewellery and belongings have been settled and both the parties do not have any claim whatsoever on each other in respect of the same, on compliance of the terms as set in above.*
8. *It is mutually agreed by and between the parties that they shall not claim any right over each other's properties, moveable or*

immoveable, whether ancestral, bequeathed and / or self earned, including matrimonial home, at any time in future and also undertake not to file any suits, petitions, applications before any Court of Law or any other forum.

- 9. The Parties agree that there are no exchanges pending between the parties save and except the balance amount of one time alimony payable by the Petitioner Husband to the Respondent Wife totaling to Rs.7,00,000/- (Rupees Seven Lakhs Only).*
- 10. It is agreed and declared that no claim or demand of division shall be made by either Party against any of the present or future assets, movable or immovable of the other Party. The Parties hereby also waive any potential claims to the estate of the other Party hereafter.*
- 11. It is agreed, declared and undertaken to this Hon'ble Court that the Parties shall not interfere in each other's lives or cause any nuisance henceforth.*
- 12. It is agreed and declared that each of the Parties hereby agrees, confirms and undertakes not to have any claim against the other Party and towards this end, file any proceedings either civil or criminal regarding past events. It is agreed that save and except what is mentioned herein, the Parties shall have no claims of any nature whatsoever against each other.*
- 13. The Party of the First Part shall be entitled to change her name to her maiden name and the Party of the Second Part shall have no objection if no such change is made.*

14. In view of the settlement, the parties hereby withdraw unconditionally all allegations made against each other and their respective parents and relatives.

15. Parties undertake to withdraw any pending cases against each other between both the parties as stated hereinabove.

16. This Consent Terms is binding on both the parties herein and they undertake not to challenge the same before any Court of law.

17. This Consent Terms is executed by the parties with their own free will and accord, without force or under influence, or coercion. ”

3. The consent terms are signed by the Petitioner-husband, Respondent-wife and their respective counsel. Parties have accepted the consent terms. Hence, the terms are taken on record and marked as 'X' for identification.

4. Writ Petition stands disposed of as per the consent terms. Both parties are directed to remain present before the Family Court, Bandra, Mumbai on **13/05/2022**, so as to enable them to file an Application for conversion of the Petition for divorce by mutual consent and to complete all other required formalities.

PREETI
H JAYANI

Digitally signed by
PREETI H JAYANI
Date: 2022.04.26
15:09:32 +0530

(SMT. ANUJA PRABHUDESSAI, J.)