

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.1596 OF 2020**

Mrs. Bhawna Singh .. Petitioner
Versus
Mr. Badal Singh .. Respondent

**ALONGWITH
CRIMINAL WRIT PETITION NO.5225 OF 2019**

Mr. Badal Ramchandra Singh & Ors. .. Petitioners
Versus
Smt. Bhawna Singh & Anr. .. Respondents

Mr. Vinod Gangwal a/w. Mr. Deepak Chitnis for the Petitioner
in WP/1596/2020 and Respondent No.1 in WP/5225/2019.

Mr. Kushal Mor for the Petitioners in WP/5225/2019 and for
Respondent in WP/1596/2020.

CORAM: BHARATI DANGRE, J.

DATED : 22nd JULY, 2022

P.C:-

1. "Consent Terms" signed by the Petitioner and the Respondent as well as their respective counsel and presented before me are taken on record and marked as 'X' for identification.

The petitioner and the respondent is present in the Court personally and their identity is verified by the Court

Clerk.

2. The Consent Terms exhaustively deal with the disputes and differences between the parties and record that parties have consensually agreed to settle their differences and mutually agreed to the terms which are incorporated in the document title as “Consent Terms”.

3. The Consent Terms set out the details of the pending litigation between the parties before the various Courts. The parties have now consented for dissolving the marriage by a decree of Divorce by mutual Consent and the petitioner has agreed to pay an amount of Rs.70,00,000/- to the respondent-wife, in exchange, the wife has agreed to give up all the and whatever claims/entitlement/rights, if any arising out of the said marriage and the martial relationship and/or any dues of her family members including her Stridhan, past, present and future maintenance, permanent alimony and all other claimed and unclaimed dues.

The consent terms specifically work out the aspect of custody of children from Para 5 onwards. Since the consensus is arrived at between the parties to abide by the said terms which are provided in Clause nos.6 to 8, the parties have decided that after a period of six months, in order to decide further arrangement of visitation, depending upon the bonding between them and children, the liberty is availed to file appropriate proceedings before the Civil Judge, Thane or the High Court. It is also specifically agreed that

both the parents would agree to the respective wishes of the children and the children shall not be coerced or forced to act as per the will of any of the parent.

A specific clause setting out the timeline for compensation and for withdrawal of proceedings is provided in Clause 10. Miscellaneous terms are captioned under the title 'Other Terms'.

4. The parties present before me today, agree that they have signed the consent terms after minutely going through the same and have taken the full responsibility of the statement contained therein.

The petitioner as well as the respondent also agree that they shall abide by each and every term which is included in the "Consent Terms".

5. In the wake of the aforesaid, the Writ Petitions deserve to be disposed of with a specific direction that since the consent terms are signed by the parties by their free will, it will be binding upon the signing parties and the same shall be respected by the other party.

Leaving the liberty open on part of the parties to file appropriate application regarding the visitation, rights of the children, Writ Petition No.1596/2020 and Writ Petition No.5225/2019 are disposed of in terms of the Document 'X' i.e. the Consent Terms.

(SMT. BHARATI DANGRE, J.)