

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 10 OF 2022
WITH
INTERIM APPLICATION NO.692 OF 2022
IN
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IN
FAMILY COURT APPEAL NO. 10 OF 2022

Sumitra R. Solanki

..Appellant

Versus

Ramesh K. Solanki

..Respondent

*Mr. Rajaram Bansode a/w Sheetal Ubale for the
Applicant/Appellant.*

Mr. Pareshtar Parakh for the Respondent.

Mrs. Sumitra R. Solanki, Appellant-wife is present.

Mr. Ramesh K. Solanki, Respondent husband is present.

CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.

DATE : OCTOBER 13, 2023

P.C.

1. When the above Family Court Appeal is called out, we are happy to note that the parties, with the intervention of the respective

Advocates, have settled their disputes and tendered Consent Terms dated 13th October, 2023.

2. The Consent Terms *inter-alia* provide that the marriage solemnized between the Appellant-wife and the Respondent-husband is dissolved by mutual consent under Section 13B of the Hindu Marriage Act, 1955. This is, of course, subject to fulfillment of clauses (4) and (5) of the Consent Terms. Clause (4) of the Consent Terms provide that the Respondent-husband shall pay a lump sum amount of Rs. 50 Lacs to the Appellant-wife in the manner more particularly set out in the said clause. To put it in a nutshell, the 1st installment of Rs. 30 Lacs would be paid by the Respondent-husband to the Appellant-wife by way of a Demand Draft on or before 13th October, 2023. This Demand Draft has been handed over to the Advocate appearing for the Appellant-wife in Court today and which is duly acknowledged. The 2nd installment of Rs. 20 Lacs is to be paid by the Respondent-husband to the Appellant-wife by way of a cheque dated 25th November, 2023 with the assurance and guarantee that the said cheque shall be honoured on presentation. The said post dated cheque is also handed over to the Advocate appearing for the Appellant-wife in Court today and which is duly acknowledged. Clause (5) of the Consent Terms stipulates that the Respondent-husband shall return the Stridhan of the Appellant-wife on or before 13th

October, 2023. The list of the Stridhan is also set out in clause (5) of the Consent Terms. The learned Advocate appearing for the Appellant-wife has fairly stated that all the Stridhan of the Appellant-wife listed in clause (5) of the Consent Terms has been handed over to the Appellant-wife in Court today. Over and above the amount of Rs. 50 Lacs being paid to the Appellant-wife, the Consent Terms also provide for paying monthly maintenance to their daughter Mansi as well as her educational and medical expenses. These, in a nutshell, are the Consent Terms entered into between the parties.

3. The Consent Terms are signed by the Appellant-wife as well as the Respondent-husband. The Appellant who is present in Court has stated that though she does not understand English properly, the Consent Terms have been explained to her by her sister as well as by her Advocate and she has signed the Consent Terms after reading and understanding the same as well as the implications thereof.

4. The Respondent-husband is also present in Court and has stated that he has signed the Consent Terms after reading and understanding the same as well as the implications thereof.

5. The Consent Terms are also signed by the Advocate for the Appellant-wife and the Advocate for the Respondent-husband.

6. In these circumstances, Consent Terms dated 13th October, 2023 are taken on record and marked 'X' for identification. The undertakings given in the Consent Terms are accepted as undertakings given to the Court. There shall be an order and decree in terms of the Consent Terms and the impugned order passed by the Family Court dated 31st December, 2021 shall now be substituted with these Consent Terms.

7. Since the 2nd installment of Rs. 20 Lacs is to be paid on 25th November, 2023, we place the above Family Court Appeal on board on 29th November, 2023 for reporting compliance. Once the 2nd installment is paid, we shall then pass final orders dissolving the marriage by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J].