



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 51 OF 2021
WITH
INTERIM APPLICATION NO. 3679 OF 2020
IN
FAMILY COURT APPEAL NO. 51 OF 2021

Ms. Dnyaneshwari Manvendra Kulkarni .. Appellant/Applicant

Versus

Mr. Niranjana Prakash Dikshit .. Respondent

Mr. Deepti Wadkar Shirsat a/w Adithi Rao i/b Shreeram Shirsat, Advocates for the Appellant/Applicant.

Mr. Amey Deshpande a/w Harsh Nishar a/w Phadnis Narayan, Advocates for Respondent.

Ms. Dnyaneshari Manvendra Kulkarni , Appellant/wife is present.

Mr. Niranjana Prakash Dikshit, Respondent /husband is present.

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

DATE : SEPTEMBER 8, 2023

P. C.

1. The above Family Court Appeal has been filed by the Appellant/wife challenging the Order passed by the Family Court,

Pune under which the petition filed by the wife seeking a divorce was dismissed.

2. Today when the matter is called out, we are happy to note that the parties have settled their disputes as recorded in the Consent Terms dated 22.08.2023 and which are tendered to us. The Consent Terms *inter alia* provide that both the parties seek divorce by mutual consent and the order of the Family Court impugned in this appeal, is accordingly set aside and is substituted by the Consent Terms. The Consent Terms also *inter alia* provide that the Appellant/Wife shall pay a sum of Rs.58,50,000/- to the Respondent/husband and in turn the Respondent/husband shall give up his 50% right, title and interest in the Flat/house situated at Flat No. 31, Swapnashilp Co-Operative Housing Society, Gulavani Maharaj Road, Kothrud, Pune-411038. This amount has infact paid and a deed of assignment has also been executed by the Respondent/husband in favour of the wife and full stamp duty is paid and the same has also been duly registered. Over and above this, the Consent Terms provide that the Appellant/wife shall pay a sum of Rs.19,00,000/- to the Respondent/husband as one time alimony. This amount also has been handed over today in Court to the Advocate for the husband

through a cheque bearing No. 046251 dated 22.08.2023. The Consent Terms also provide for certain other things like an agreement between them that they would contribute equally for the higher education of their children [who are already major], as well as taking care of their day-to-day expenses.

3. These Consent Terms have been signed by the Appellant and the Respondent and are also notarised. The Appellant and Respondent are present before the Court. They have both stated that they have signed the Consent Terms of their own free volition and after reading and understanding the same as well as the implications thereof. Since, these Consent Terms were executed in Pune and have been notarised in Pune, the same have not been signed by the current Advocates of the Appellant and the Respondent.

4. In these circumstances, the Consent Terms dated 22.08.2023 are taken on record and marked “X” for identification. The undertakings given in the Consent Terms, if any, are accepted as undertakings given to the Court. There shall be order and decree in terms of the Consent Terms.

5. As per the Consent Terms, the marriage between the Appellant and the Respondent, and which was solemnised on 14.03.1999, stands dissolved by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 and the order of the Family Court, Pune is set aside and is substituted by these Consent Terms read with this order. We have granted this divorce by mutual consent because we are satisfied that the Appellant and the Respondent do not had any relation as husband and wife since the year 2007.

6. The above Family Court Appeal is accordingly disposed of. No order as to costs.

7. In view of the disposal of the Family Court Appeal, nothing survives in the above Interim Application and the same is disposed of accordingly.

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.]