

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.50 OF 2024
IN
PETITION NO.C-141 OF 2012

LAXMI
SUBHASH
SONTAKKE

Digitally signed by
LAXMI SUBHASH
SONTAKKE
Date: 2024.05.09
19:34:29 +0530

Rajiv Kabir Hiranandani .. Appellant
Versus
Namrata Zakaria .. Respondent

WITH
INTERIM APPLICATION NO.13797 OF 2023
IN
FAMILY COURT APPEAL NO. 50 OF 2024
IN
PETITION NO.C-141 OF 2012

Rajiv Kabir Hiranandani .. Applicant
(Org.Appellant)
IN THE MATTER BETWEEN:
Rajiv Kabir Hiranandani .. Appellant
(Org.Respondent)
Versus
Namrata Zakaria .. Respondent
(Org.Petitioner)

WITH
FAMILY COURT APPEAL NO. 51 OF 2024
IN
PETITION NO.C-141 OF 2012

Namrata Zakaria .. Appellant
Versus
Rajiv Kabir Hiranandani .. Respondent

Mr. J.K. Shah a/w Pooja Shah and Govind Munde i/b RJ Law,
Advocate for the Appellant in FCA/50/2024, IA/13797/2023 and for
Respondent in FCA/51/2024.

Ms. Kajal Savjani a/w Himanshu Nagarkar, for Appellant in
FCA/51/2024 and for Respondent in FCA/50/2024.

Mr. Rajiv Hiranandani, Husband is present.

Mrs. Namrata Zakaria, Wife is present .

CORAM: B. P. COLABAWALLA &

M. M. SATHAYE, JJ.

DATE: MAY 08, 2024

P. C.

1. By our order dated 9th February, 2024, we had disposed of the above Family Court Appeals filed by the husband and the wife challenging the impugned order dated 24th January, 2023. By the said order, we had taken the consent terms entered into between the husband and the wife on record and marked it 'X' for identification. The consent terms inter-alia provided for dissolution of the marriage of the husband and wife by mutual consent as well as for a financial settlement on the terms and conditions more particularly set out in the consent terms. The consent terms also provided for withdrawal of certain cases once a gift deed was executed by husband in favour of the wife in relation to Flat No. 301, Shree Mahalaxmi Rajkamal Studio, Dr. S. S. Rao Road, Parel, Mumbai 400012. The matter was placed on board today for making sure that the consent terms are complied with, so that a decree of divorce by mutual consent can be passed.

2. Today when the matter is called out, we are happy to note that all the financial commitments that were mentioned in the consent terms have been duly complied with by both parties. Further, we are happy to note that as required, a gift deed dated 7th May, 2024 has been executed and registered by the husband and the wife and the same has also been duly handed over to the wife by the husband.

3. Now that the financial commitments under the consent terms have been complied with and the gift deed is also executed, the parties have requested us to pass a decree of divorce under Section 28 of the Special Marriage Act, 1954. Considering that the parties have been residing separately since more than ten years and both parties have informed the Court that there is no scope for reconciliation, coupled with the fact that the parties have resolved their marital disputes as per the consent terms dated 9th February, 2024, we hereby grant a divorce by mutual consent under Section 28 of the Special Marriage Act, 1954 and dissolve their marriage which was solemnized on 21st March, 2011.

4. As provided in the consent terms, we expect that the wife shall withdraw all the criminal complaints more particularly set out in

clause 17 of the consent terms, as expeditiously as possible, and in any event, within a period of two months from today.

5. There shall be an order and decree in terms of the consent terms dated 9th February, 2024 and the order passed by the Family Court, and which is impugned in the above Appeals, shall stand substituted with the consent terms dated 9th February, 2024 read with orders dated 9th February, 2024, 15th March, 2024 and the order passed today.

6. The above Family Court Appeals are accordingly disposed of. No order as to costs.

7. In view of disposal of the Appeals, nothing survives in the Interim Applications filed therein and the same are 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.]