

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 170 OF 2017

Anand Ranjit Lalchandani.

...Appellant.

Versus

Binkal w/o Anand Ranjit Lalchandani,
d/o Ashwin Mehta.

..Respondent.

Mr. Vivek Kantawala, Mr. Amey Patil and Mr. Jash Vyas i/b M/s. Vivek Kantawala & co., for the appellant.
Ms. Disha Shetty for the respondent.

Coram : Nitin W. Sambre &
Sharmila U. Deshmukh, JJ.

Date : June 16, 2023.

P. C. :

1. The appellant and the respondent got married on 27th December 2010. Out of discord, they started living separately since January 2012. There are various proceedings initiated by the respondent – wife against the appellant – husband, amongst others the proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005, the criminal proceedings for the offences punishable under section 498A of the Indian Penal Code, 1860 and the present proceedings initiated by the husband for divorce under section 13(1)(ia) of the Hindu Marriage Act, 1955 on the grounds of cruelty and desertion.

2. The fact remains that the parties hereto are not blessed with any issue.

3. The claim put forth by the husband for divorce under section 13 of the Hindu Marriage Act, 1955 was turned down by the Family Court, Mumbai, Bandra thereby rejecting Petition No.A-655 of 2013 vide the impugned judgment dated 27th July 2017, which has led to the filing of present family Court appeal.

4. When the matter was called out for hearing, both the counsel and respective parties, who are present in the Court tendered consent terms duly signed and executed. The consent terms are taken on record and marked "X" for identification.

5. Through the consent terms, a request is made that the present appeal be disposed of by invoking the provisions of section 13B of the Hindu Marriage Act, 1955, as the parties have mutually decided to dissolve their marriage.

6. The appellant has initiated the proceedings before the Gujarat High Court being Petition No.16169 of 2014, seeking quashing of the criminal proceedings for the offence punishable under section 498A of the Indian Penal Code, 1860. The respondent

– wife has undertaken through the aforesaid consent terms to extend consent for quashing. She has also undertaken to extend all necessary co-operation by remaining present, either physically or on virtual mode, before the Gujarat High Court in the aforesaid matter for quashing of criminal proceedings.

7. The proceedings initiated by the respondent–wife, under the provisions of Protection of Women from Domestic Violence Act, 2005, being Appeal No.141 of 2022 pending on the file of Sessions Court at Dindoshi, Mumbai is agreed to be withdrawn by the respondent – wife.

8. In view of the above undertaking given by the respondent–wife, counsel for the appellant assures that during the course of the day, balance amount of Rs.22.50 lakh out of the one time alimony payable to the respondent–wife shall be transferred in the bank account of the respondent-wife. Statement accepted.

9. Apart from above, the respondent–wife acknowledges the receipt of articles which are reflected in Annexure-I to the consent terms. She also admits that the amount of Rs.22.50 lakh towards the partial satisfaction of the one time alimony agreed to, is received in her bank account. She also agrees to all the conditions

of the consent terms.

10. As such notice period provided under section 13B of the Hindu Marriage Act, 1955 is dispensed with. In view of the above, we deem it appropriate to dispose of the present appeal in terms of the aforesaid consent terms thereby ordering the dissolution of marriage between the parties under section 13B of the Hindu Marriage Act, 1955.

11. Learned counsel for the respondent-wife is permitted to place on record the vakalatnama within three days from today.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]