
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 195 OF 2017
WITH
INTERIM APPLICATION NO. 2357 OF 2023
WITH
CIVIL APPLICATION NO. 293 OF 2017
WITH
CIVIL APPLICATION NO. 336 OF 2018
IN
FAMILY COURT APPEAL NO. 195 OF 2017

SNEHA
NITIN
CHAVAN

Mrs. Sindur Niraj Thakkar .. Appellant

Versus

Mr. Niraj Koshore Thakkar .. Respondent

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NITIN CHAVAN
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CIVIL APPLICATION NO. 101 OF 2018
IN
FAMILY COURT APPEAL NO. 195 OF 2017
WITH
REVIEW PETITION (ST) NO. 2843 OF 2020
IN
FAMILY COURT APPEAL NO. 195 OF 2017

Mr. Niraj Koshor Thakkar .. Applicant

Versus

Mrs. Sindur Niraj Thakkar .. Respondent

Mr. Rohan Savant a/w Levi Rubens, Sushant Arora, Ankita Karmokar, Vaishnavi Adhav i/b I.B. & Associates, Advocates for the Appellant/wife.

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

Mrs. Sindur Thakkar, Appellant and Mr. Niraj Thakkar, Respondent are present in Court.

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

DATE : JULY 31, 2023

P. C.

1. The above Family Court Appeal is filed challenging the order dated 11.07.2017 dismissing the Appellant/wife's petition seeking a divorce. The above Review Petition is filed by the Respondent/husband seeking a review of the Order dated 10.01.2020 passed by this Court in Civil Application No. 336 of 2018. By the Order dated 10.01.2020, the Respondent/husband was *inter alia* directed to pay a sum of Rs.20,000/- per month to the Appellant/wife towards their son's education expenses from January 2020 onward. It is this order that is sought to be reviewed.

2. When the above matters are called out today, we are pleased to note that the parties, namely the Appellant/wife and the Respondent/husband have *inter se* settled their disputes as recorded in the Consent Terms dated 31.07.2023. These Consent Terms *inter alia* provide that the parties have been residing separately and have not cohabited ever since 21.05.2013 and have till date not remarried. Further, their matrimonial bond is now beyond repair and their marriage is just a legal fiction. In these circumstances, as well as in

the best interest of their son Divam, they have decided to amicably resolve their issues and withdraw the allegations made against each other and seek a divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 on the terms and conditions more particularly set out in the Consent Terms. The Consent Terms also provide that permanent custody of the son Divam shall remain with the Appellant/mother and access shall be given to the Respondent/father as set out in the Consent Terms. The Consent Terms also provide that an amount of Rs.3,00,000/- would be paid by the Respondent/husband to the Appellant/wife as a full and final settlement towards the jewellery and *Stridhan* of the Appellant lying in the ICICI Bank Locker situated at ICICI Bank, J.N. Road, Mulund (West) Branch. Over and above this amount, it is also agreed that Respondent/husband shall clear the arrears of Rs.3,40,000/- within six months in six equal installments by the NEFT in the Bank of the Appellant/wife, the details of which have been set out in the Consent Terms. In terms of Clause (7) of the Consent Terms, the Appellant/wife is also permitted to withdraw whatever amounts are lying with the Registrar (Judicial)/concerned Registrar of this Court with the interest accrued thereon, if any.

3. The Consent Terms have been signed by the Appellant/wife as well as the Respondent/husband. They both are present in the Court. They have stated before the Court 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. The Consent Terms are also signed by the Advocate for the Appellant and the Advocate for the Respondent.

4. In these circumstances, the Consent Terms dated 31.07.2023 are taken on record and marked 'X' of identification. All 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.

5. The impugned order of the Family Court dated 11.07.2017 shall now stand substituted by these Consent Terms. It is ordered that the marriage between the Appellant/wife and the Respondent/husband is dissolved by the mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

6. In terms of Clause (7) of the Consent Terms, the Registrar (Judicial)/Concerned Registrar shall permit the Appellant/ wife to withdraw whatever amounts are lying to the credit of the above FCA, along with interest accrued thereon, if any. This exercise shall be completed within a period of two weeks from today.

7. The above Family Court Appeal as well as the above Review Petition are accordingly disposed of.

8. In light of the disposal of the above Family Court Appeal as well as the Review Petition, all Interim applications pending in the above matters, are also disposed of as infructuous.

9. 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.]