



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO. 3570 OF 2024
IN FCA/1/2022

RAJDEEP RAMESH WAGH

VERSUS

SONAL RAJDEEP WAGH

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Advocate for Applicant : Mr.Amol Mali h/f Mr. Desale Nilesh N.

Advocate for Respondent : Mr. Vail Afzal Husain M.

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 26.07.2024

PER COURT :

Heard both the sides.

2. The appellant is the husband of the respondent and has preferred the Family Court Appeal being aggrieved and dissatisfied by the judgment and order dated 15.03.2021 passed by the learned Judge of the Family Court, Dhule, whereby his petition seeking divorce under Section 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955 was dismissed.
3. The parties were referred for mediation. The mediator has submitted a report of the mediation having been successful and has annexed a copy of the terms of the compromise duly signed by both the sides.
4. The learned advocates of both the sides submit that as agreed and as mentioned in terms of the settlement, the respondent-wife has received the money as mentioned therein. They would submit that even the couple has agreed to obtain a decree of divorce by mutual consent under Section 13-B. They request that pursuant to such agreement, the Civil Application has

been filed to treat this appeal as a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, and to grant the divorce as agreed between the parties since more than a year has lapsed since the terms of the compromise have been settled and were filed in the Court.

5. The request is extraordinary. The Civil Application is sought to be treated as a petition for divorce by mutual consent under Section 13-B. In order to obviate any procedural delays by directing the parties now to go before the Family Court, apply again seeking divorce by mutual consent, in our considered view, it would be appropriate, to accept the request since even today the parties are *ad idem* and have settled the dispute once for all and particularly when they have not been residing together for last number of years and even period of one year has lapsed since the Civil Application together with the terms of settlement arrived at before the Mediator, have been filed in this Court.

6. We are satisfied that the circumstance exist to demonstrate that the parties were husband and wife and have not been residing together for number of years and it is a fit case for grant of divorce.

7. The Application is allowed. The marriage between the appellant and the respondent stands dissolved under Section 13-B of the Hindu Marriage Act, 1955 with immediate effect.

8. A decree be drawn accordingly in terms of this order and the terms of the compromise shall form part of the decree.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-