



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FAMILY COURT APPEAL NO. 52 OF 2023
WITH
CIVIL APPLICATION NO. 8086/2023 IN FCA/52/2023

MRS. DHANSHREE SAGAR CHAVAN @ DHANSHREE DILIP BAVISKAR
VERSUS
SAGAR KISHOR CHAVAN

...
Advocate for Appellant : Mr. Harshal Prakash Randhir
Advocate for Respondent : Mr. V.R. Dhorde

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

DATE : 26.09.2024

PER COURT :

Heard both the sides.

2. The learned advocates tender across the bar affidavits sworn by their respective clients. Those were taken on record.
3. The wife has preferred this Family Court Appeal under Section 19 of the Family Court Act being aggrieved and dissatisfied by the judgment and decree passed by the Family Court granting divorce on a petition filed by respondent-husband on the ground of cruelty and desertion.
4. Both sides in their respective affidavits have expressly stated that the impugned judgment and decree was passed *ex parte*. They have now decided to part the ways amicably and would be requesting the Family Court to convert the divorce petition as a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1956. They are unanimous that the appeal may be allowed and matter may be remanded to enable the parties to go before the Family Court and make the request.

5. In the light of such settlement, the appeal is allowed.
6. The impugned judgment and order is quashed and set aside. The matter is remitted back to the Family Court which shall consider petitioner's request for converting the petition as a petition for divorce by mutual consent and pass appropriate order/s in accordance with law.
7. The parties shall appear before the Family Court on 11.10.2024.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-