

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FAMILY COURT APPEAL NO. 154 OF 2014
WITH
CIVIL APPLICATION NO. 20 OF 2017
AND
CIVIL APPLICATION NO. 22 OF 2017
IN
FAMILY COURT APPEAL NO. 154 OF 2014**

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Anil Ratanlal Patodia
Age – 43 years, Indian Inhabitant,
Residing at B/4, Diamond Estate,
C.S.T. Road, Kalina, Santacruz (E),
Mumbai – 400 098.Appellant

Versus

Nisha Anil Patodia
Age – 39 years, Indian Inhabitant,
Residing at C/o. Vimal Murarka, A-23, 24,
06th Floor, Mahavir Apartments,
Pant Nagar, Ghatkopar (E),
Mumbai – 400 075Respondent

**ALONG WITH
FAMILY COURT APPEAL NO. 137 OF 2014
WITH
INTERIM APPLICATION NO. 7810 OF 2024
AND
CIVIL APPLICATION NO. 193 OF 2014
IN
FAMILY COURT APPEAL NO. 137 OF 2014**

Nisha Anil Patodia
Age – 39 years, Indian Inhabitant,
Residing at C/o. Vimal Murarka, A-23, 24,
06th Floor, Mahavir Apartments,
Pant Nagar, Ghatkopar (E),
Mumbai – 400 075Appellant

Versus

Anil Ratanlal Patodia

Age – 43 years, Indian Inhabitant,
Residing at B/4, Diamond Estate,
C.S.T. Road, Kalina, Santacruz (E),
Mumbai – 400 098.

....Respondent

Ms. Sapna Sharma *i/b M/s. K. Ashar & Co., Advocate for Appellant in FCA-154-2014 and for Respondent in FCA-137-2014.*

Mr. Pradip Chavan *a/w. Ms. Shweta Borhade i/b Pradip Chavan Associates, Advocate for Appellant in FCA-137-2014 and for Respondent in FCA-154-2014*

Mr. Anil Patodia, *Appellant in FCA-154-2014 is present in Court.*

Mrs. Nisha Anil Patodia, *Appellant in FCA-137-2014 is present in Court.*

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : APRIL 19, 2024

P. C.

1. Family Court Appeal No. 154 of 2014 is filed by the husband challenging the impugned judgment and decree dated 15th January, 2014 dismissing the Petition filed by him seeking a divorce. Family Court Appeal No. 137 of 2014 is filed by the wife seeking enhancement of maintenance.

2. Today, when both the Appeals are called out, we are happy to note that the husband and wife have settled their disputes as recorded in the Consent Terms dated 8th April, 2024. The Consent Terms *inter alia* provide that the Appellant agrees and undertakes to make payment of Rs.2,75,00,000/- towards the maintenance, residential arrangement for the children, including marriage expenses of the said children, further future education fees and ancillary expenses as a one time full and final/permanent settlement payment. The Consent Terms further provide that on this payment being made, the Court pass a decree of divorce by mutual consent under Section 13(B) of Hindu Marriage Act, 1955 and dissolve their marriage solemnized on 18th February, 1995. Apart from these Consent Terms, the learned Advocate appearing for the wife has also tendered an affidavit dated 17th April, 2024, whereby she confirms that the contents of clauses 6 and 8 of the Consent Terms. The Consent Terms have been signed by the husband as well as the wife. Both of them are present in Court today. They have both stated that they have signed the Consent Terms after reading and understanding the same as well as the implications thereof. The Consent Terms are also signed by the Advocates for the husband as well as the Advocates for the wife.

3. In these circumstances, the Consent Terms dated 8th April, 2024 are taken on record and marked 'X' for identification. The undertakings given in the Consent Terms, if any, are accepted as undertakings to the Court. There shall be an order and decree in terms of the Consent Terms. In addition to the Consent Terms, the affidavit filed by the wife dated 17th April, 2024 is also taken on record and marked 'X-1' for identification.

4. As per the Consent Terms, a demand draft of Rs.2,75,00,000/- in the name of the wife drawn on Central Bank of India has been handed over by the Advocate for the husband to the Advocate for the wife in our presence today. The wife is free to encash the said demand draft. We are informed that the parties have been living separately since the year 2005. Considering these circumstances and the settlement arrived at between the parties, we hereby dissolve the marriage between the husband and the wife solemnized on 18th February, 1995 by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955.

5. We make it clear that the order of the Family Court is being substituted with these Consent Terms read along with this order. The

above Family Court Appeals are disposed of in the aforesaid terms. However, there shall be no order as to costs.

6. In view of the disposal of the Appeals, any applications pending therein do not survive and the same are disposed of accordingly.

7. 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.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]