

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.172 OF 2017

WITH

CIVIL APPLICATION NO.120 OF 2019

IN

FAMILY COURT APPEAL NO.172 OF 2017

ANJALI
TUSHAR
ASWALE

Digitally signed by
ANJALI TUSHAR
ASWALE
Date: 2024.03.20
15:00:50 +0530

Sou. Awanti @ Vaishali Amrut Rasal ..Appellant

Versus

Mr.Amrut P. Rasal ..Respondent

Mr.Sandeep Koregave, Advocates for the Appellant/wife.

Mr.Sangramsih Yadav, Advocates for the Respondent/husband.

Mrs.Awanti @ Vaishali Amrut Rasal, Appellant/wife is present in Court.

Mr.Amrut P. Rasal, Respondent/husband is present in Court.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : MARCH 19, 2024

P.C.

When the above Family Court Appeal is called out, we are informed that the above Appeal is settled as per the Consent Terms dated 19th March, 2024. The Consent Terms inter alia provide that the Respondent-husband has agreed to pay a sum of Rs.3,25,000/- as permanent alimony to the Appellant-wife, by way

of a Demand Draft No.482575 drawn on Bank of Baroda and which is dated 14th March, 2024. The Demand Draft is also handed over by the advocate for the Respondent to the advocate for the Appellant in Court today and which is duly acknowledged. The Consent Terms also provide that the parties are withdrawing all allegations made against each other and that the order passed by the Family Court granting divorce to the Respondent-husband on the ground of cruelty and desertion be set aside and be substituted with a divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

2 The Consent Terms have been signed by the Appellant-wife as well as the Respondent-husband. 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. They have further both stated that they have been living separately for a period of more than one year and they have not been able to live together or reconcile their differences, and hence, they have agreed that the marriage should be dissolved by mutual consent. The said statements are accepted as undertakings given to the Court.

3 In these circumstances, the Consent Terms dated 19th March, 2024 are taken on record and marked “X” for identification. The 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.

4 In view of the fact that the parties are admittedly living separately for more than 10 years and both parties having stated that there is no prospect of reconciliation, we are of the opinion that divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 would be in the interest of both parties. In these circumstances, we set aside the impugned order passed by the Family Court dated 4th September, 2017 granting divorce to the Respondent-husband and dissolve the marriage between the Appellant-wife and the Respondent-husband solemnized on [23rd May, 2006] by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

5 The above Family Court Appeal is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6 In view of the disposal of the above Appeal, nothing survives in the above Civil Application and the same is 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.]