

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 98 OF 2022

WITH

INTERIM APPLICATION NO. 2719 OF 2021

IN

FAMILY COURT APPEAL NO. 98 OF 2022

WITH

INTERIM APPLICATION NO. 13254 OF 2023

IN

FAMILY COURT APPEAL NO. 29 OF 2021

Anupama Kumari / Sinha Alias Geeta Kumari ...Appellant

Versus

Ratnesh Kumar Sinha ...Respondent

WITH

FAMILY COURT APPEAL NO. 29 OF 2021

WITH

INTERIM APPLICATION NO. 1430 OF 2021

IN

FAMILY COURT APPEAL NO. 29 OF 2021

Ratnesh Kumar Sinha ...Appellant

Versus

Anupama Kumari ...Respondent

Mr. Abhijit Sarwate, Bia/w Hardev Kaur Aidhen (through V.C.),
Advocates for Appellant/Applicant-wife in FCA/98/2022,
IA/2791/2021, IA/13254/2023 and Respondent in FCA/29/2021

& IA/1430/2021.

Mr. Hitesh Vyas, *Advocate for Respondent-husband in FCA/29/2021, IA/1430/2021 & Respondent in FCA/98/2022, IA/2719/2021 & IA/13254/2023.*

Ms. Anupama Kumari / Sinha alias Geeta Kumari, *wife is present in Court.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : MAY 08, 2024

PC :

1. We had passed an order on 25th April, 2024, whereby Consent Terms entered into between the parties were taken on record. Under the Consent Terms certain payments were to be made by the husband to the wife via RTGS in the savings account of the wife on or before 7th May, 2024. On this payment being made, the wife also was to withdraw Darkhast Proceeding bearing DKT No.154 of 2022. We also recorded that the Consent Terms should not be construed in any way to jeopardize the rights/claim of the wife in the proceedings initiated under Section 379, 498A of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961. We had also appended a copy of the Consent Terms to the said order and had directed that the matter be placed on board today not only for reporting compliance of payment but also for passing further orders of granting a divorce and making the

Consent Terms a decree of the Court.

2. Today when the matter is called out, we are informed by both parties that the payments to be made under the Consent Terms have been duly complied with by the husband. Further the wife has undertaken that Darkhast proceeding bearing DKT No.154 of 2022 shall be withdrawn within a week from today. The said undertaking is accepted. In these circumstances, the parties have requested that as per the Consent Terms, the decree of divorce by mutual consent be granted under Section 13-B of the Hindu Marriage Act, 1955.

3. We are informed that the parties have been residing separately for almost 20 years and neither of them desires to cohabit as husband and wife. Considering these circumstances, and taking into consideration Consent Terms filed by the parties (dated 25th April, 2024) we hereby dissolve the marriage between the husband and the wife solemnized on 29th November, 2002 by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. We also direct that there shall be an order and decree in terms of the Consent Terms dated 25th April, 2024. The impugned order in the above Appeals shall now stand substituted by the Consent Terms dated 25th April, 2024 read with the

order dated 25th April, 2024 and the order passed today.

4. The above Appeals are accordingly disposed of. However, there shall be no order as to costs.

5. In view of disposal of the above Appeals, all Interim Applications filed therein do not survive and are disposed of accordingly.

6. 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.]