

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

FAMILY COURT APPEAL NO. 156 OF 2012

Santosh Govind Sawant

.. Appellant

Versus

Mrs. Shakambhri Santosh Sawant

Nee Archana Baburao Naik

...Respondent

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Mr.Rajshekhar V. Govilkar, Senior Advocate i/b Mr.Mihir R. Govilkar, Advocate for Appellant.

Mr.Atul Damle, Senior Advocate represented the Respondent-wife at the instance of the Court.

Mr.Santosh Govind Sawant, Petitioner-husband is present.

Mrs.Shakambhri Santosh Sawant @ Archana Baburao Naik, Respondent-Wife is present.

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

DATE : JANUARY 12, 2024.

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1. The above Family Court Appeal is filed challenging the judgment and order dated 16th July 2012 passed by the Family Court, Thane. By the impugned judgment, the Family Court dismissed the Petition of the Appellant-husband seeking a divorce and allowed the Counterclaim of the

Respondent-wife for restitution of conjugal rights. The parties have been living separately since the year 2008.

2. Today, when the matter is called out, we are informed that the parties have resolved their disputes as recorded in the Consent Terms dated 12th January 2024. The Consent Terms *inter-alia* provide that neither party is making any claim against each other and they are agreeable to a divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

3. The Consent Terms have been signed by the Appellant-husband as well as the Respondent-wife. They are both present in Court. They have both stated that they have signed the Consent Terms after reading and understanding the same as well as the implications thereof.

4. The Consent Terms are also signed by the Advocate for the Appellant and the Advocate for the Respondent.

5. In these circumstances, the Consent Terms dated 12th January 2024 are taken on record and marked 'X' for identification. All undertakings given in the Consent Terms, if any, are accepted as undertakings given to this Court. There shall be order and decree in terms

of the Consent Terms and the marriage between the Appellant-husband and the Respondent-wife solemnized on 29th November 2003 is dissolved by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

6. The impugned order passed by the Family Court on 16th July 2012 shall now be substituted with the Consent Terms dated 12th January 2024 read with the present order. The Family Court Appeal is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. Before parting, we must appreciate and thank Mr. Atul Damle, Senior Advocate, who, at our instance, agreed to appear for the Respondent-wife and has been instrumental in arriving at the present settlement.

8. 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.]