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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.28 OF 2024

Mr.Sunil Bharat Mahimkar

.. Appellant

Versus

Mrs.Manisha Sunil Mahimkar

.. Respondent

**Mr. Vishal V. Rankhambe with Ms.Aparna V. Rankhambe, Advocate
for the Appellant.**

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: AUGUST 16, 2024

P. C.

1. The above Family Court Appeal challenges the impugned Judgement and Order dated 22nd September 2021 passed by the Family Court at Bandra, Mumbai. By the aforesaid Order, the Petition by the Husband seeking a divorce by mutual consent was dismissed for want of consent of the wife. It is the case of the Appellant-Husband that after the Consent Terms were filed in the Family Court, they were even acted upon by the Appellant-husband and the benefits under the Consent Terms were given to the Respondent-wife. However, she did not comply with her obligation under the Consent Terms and did not consent to a divorce by mutual consent. According to the Appellant-husband, once, the benefits under the Consent

Terms are taken by the Respondent-wife, it was not open to her to resile from the Consent Terms. It is in these circumstances that the above Appeal is filed.

2. Since the above Appeal is coming up for the first time, we direct the Registry to issue notice to the Respondent, returnable on 20th September 2024, Hamdast permitted.

3. In addition to Court notice, the Advocates for the Appellant Husband are permitted to serve the Respondent-wife with the papers and proceedings in the above Family Court Appeal, along with the copy of this Order, by private notice as well.

4. Stand over to 20th September 2024.

5. 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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]