

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

FAMILY COURT APPEAL NO. 46 OF 2024

WITH

INTERIM APPLICATION NO.7076 OF 2024

IN

FAMILY COURT APPEAL NO.46 OF 2024

WITH

INTERIM APPLICATION NO.8420 OF 2024

IN

FAMILY COURT APPEAL NO.46 OF 2024

Swati M. Gupte

.. Appellant

Versus

Mandar J. Gupte

.. Respondent.

Adv. Mr. Pramod Pawar, for the Appellant.

Adv. Mr. Mandar Limaye i/b. Mr. Virendra Pethe, for the Respondent.

Mrs. Swati M. Gupte, Appellant is present in the Court.

Mr. Mandar J. Gupte, Respondent is present in the Court.

CORAM: B. P. COLABAWALLA &

FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 9, 2024

P. C.

1. By our order dated 2nd August, 2024, we had noted the in Principle Agreement between the Respondent-Husband and the Appellant-

Wife to resolve their disputes amicably. In principle, it was agreed that the Respondent-Husband would pay to the Appellant-Wife a sum of Rs. 18 lacs in three equal installments. The parties had further also agreed that once the entire payment was made, this Court could pass a decree of divorce by mutual consent and substitute the same in place of the impugned order. Additionally, the Appellant-Wife also agreed that once full payment is made, all proceedings initiated by her against the Respondent-Husband would be withdrawn. Since these were the broad principles on which the parties had agreed to settle their disputes, we placed the above matter today to enable the parties to formally file consent terms.

2. Today when the matter is called out, the parties have tendered Consent Terms dated 9th August, 2024. The said Consent Terms *inter alia* provide that the Respondent-Husband shall pay an amount of Rs. 18 lacs to the Appellant-Wife as more particularly set out in clause 2A of the Consent Terms. In a nut shell, the amount of Rs. 18 lacs shall be paid in the following manner:-

Amount	Installments
Rs.6,00,000/-	First Installment to be paid on or before 10 th September, 2024.
Rs.6,00,000/-	Second Installment to be paid on or before 10 th October, 2024.
Rs.6,00,000/-	Last Installement to be paid on or before 10 th November, 2024.

3. After all the aforesaid amounts are paid, the parties have agreed that a decree of divorce granted under Section 13 (1)(i) (a) [on the ground of cruelty] be substituted by a decree of divorce by mutual consent under Section 13B of Hindu Marriage Act, 1955.

4. The Consent Terms have been signed by the Appellant-Wife as well as the Respondent-Husband. The Appellant-Wife as well as Respondent-Husband are present in Court. They both have 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 Advocate for the Appellant and the Advocate for the Respondent.

5. In these circumstances, the Consent Terms dated 9th August, 2024 are taken on record and marked 'X' for identification. The undertakings given in the Consent Terms are accepted as an undertakings given to the Court. There shall be an order in terms of the Consent Terms, save and except the passing of the decree of divorce by mutual consent, which shall be passed once the Respondent-Husband complies with the payment schedule as more particularly set out in the Consent Terms.

6. Since the last installment is to be paid on or before 10th November, 2024, we now list the above matter on 14th November, 2024 for

reporting compliance and passing further orders. For the sake of convenience, a scanned copy of these Consent Terms are appended to this order.

7. In the light of the above Consent Terms, nothing survives in Interim Application No. 7076 of 2024 and Interim Application No. 8420 of 2024, and the same are also disposed of accordingly.

8. Stand over the above Family Court Appeal on 14th November, 2024 for compliance.

9. 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.]