

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 46 OF 2024

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Swati Mandar Gupte
Age – 43 years, Occu. Nil,
R/at 62, Ramkrishna Society,
Behind Arihant Market,
Manjalpur Baroda,
Gujarat – 390 011.

.. Appellant
(Orig. Respondent)

Versus

Mandar Jayant Gupte
Age : 45 year, Occ : Service,
R/at : 101, Kalika Prasad,
Sahayog Mandir Path,
Ghantali, Naupada,
Thane (W) – 400 602.

.. Respondents
(Ori. Petitioner)

Mr. Pramod Pawar, for Appellant-Wife.

Mr. Virendra Pethe, for Respondent-Husband.

Mrs. Swati Gupte, Appellant-Wife is present in Court.

Mr. Mandar Gupte, Respondent-Husband is present in Court.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
Date : November 14, 2024

P. C.

1. The above matter was settled between the Appellant-Wife and the Respondent-Husband by entering into Consent Terms dated 9th August,

2024. Those Consent Terms were taken on record by this Court on the very same date. The said Consent Terms *inter alia* provided that the Respondent-Husband shall pay an amount of Rs. 18,00,000/- to the Appellant-Wife, as more particularly set out in paragraph 2A of the Consent Terms. This amount of Rs. 18,00,000/- was to be paid in three installments, the last installment being payable on or before 10th November, 2024. The parties also agreed that once the terms of the Consent Terms are complied with, this Court passed a Decree of Divorce by mutual consent under Section 13 B of the Hindu Marriage Act, 1955.

2. Today, when the matter is called, we are informed that all the terms of the Consent Terms have already been duly complied with. The parties have, therefore, requested that a Decree of Divorce be passed by mutual consent under Section 13B of the Hindu Marriage Act, 1955. The Appellant-Wife and the Respondent-Husband are before the Court. They were married on 19th November, 2009 and living separately since 2018. We enquired from the parties whether there was any scope for any reconciliation. Both the parties informed the Court they would like to move on with their lives and there is no scope for any reconciliation.

3. Considering these circumstances, we hereby dissolve the marriage between the Appellant-Wife and the Respondent-Husband solemnized on 19th November, 2009 by mutual consent under Section 13 B of the Hindu Marriage Act, 1955. The Decree of Divorce granted by the Family Court, Thane dated 29th December, 2023, and which is impugned in the present appeal, shall now be substituted with the Consent Terms dated 9th August, 2024 read with the order dated 9th August, 2024 and the order passed today.

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

5. In view of the disposal of the above Family Court Appeal, nothing survives in any interim applications pending therein, and the same 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.]