

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

**FAMILY COURT APPEAL (L) NO.27567 OF 2022
WITH
INTERIM APPLICATION NO. 2008 OF 2022**

Toral @ Bhakti Sandeep Gandhi .. Appellant

Versus

Sandeep Virendra Gandhi .. Respondent

**FAMILY COURT APPEAL (L) NO.29872 OF 2022
WITH
INTERIM APPLICATION NO. 1883 OF 2022**

Sandeep Virendra Gandhi .. Appellant

Versus

Toral @ Bhakti Sandeep Gandhi .. Respondents

Ms. Parul Vedak, a/w. Mr. Sanamjeet Kaur Kalsi Advocates for the Appellant/Applicant-Wife in FCAST/27567/2022, IA/2008/2022 and for Respondent in FCAST/29872/2022, IA/1883/2023.

Dr. Uday Warungikar a/w. Ms. Deepti Wadkar Shirsat for Respondent in in FCAST/27567/2022, IA/2008/2022 and for Appellant in FCAST/29872/2022, IA/1883/2023

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

DATE: AUGUST 16, 2024

P. C.

1. Both the above Appeals are placed on board for directions today. One of the objections raised by the registry is regarding the maintainability of both the above Appeals on the ground that the order challenged records that in view of the consent terms at Exh.33 dated 07th March 2017, the marriage between the Petitioner and the Respondent solemnized on 30th January 2012 is hereby dissolved by decree of divorce. The registry is of the opinion that this is a Consent Order, and hence no Appeal would lie.

2. We have perused the impugned order. The operative part of the impugned order reads thus:

ORDER

- 1. The petition is partly allowed.*
- 2. In view of consent terms Exh. 33 dated 07.03.2017, the marriage between the petitioner and the respondent solemnized on 30.01.2012 is hereby dissolved by decree of divorce.*
- 3. The respondent is directed to pay Rs. One crore to the petitioner towards her permanent alimony.*
- 4. The respondent is directed to pay Rs. 50 lakhs (Rs. Fifty lakhs) to the petitioner towards her claim of accommodation.*
- 5. The respondent is directed to pay Rs. 10,000/- to the petitioner towards litigation expenses.*
- 6. Decree be drawn accordingly.*

3. What is challenged in the above Appeal filed by the Wife [Family Court Appeal (L) No.27567 OF 2022] are clauses 3 and 4 of the operative part of the order as well as the rejection by the Family Court for return of her ornaments/stridhan. As far as the Appeal filed by the Husband [Family Court Appeal (L) No. 29872 OF 2022] is concerned, what is challenged in the above appeal is also paragraphs 3 and 4 of the impugned order.

4. Both parties before us have stated that paragraphs 3 and 4 are directions passed by the Family Court not by consent but after a contest on merits. What was passed by consent was only the decree of divorce. Once this is the factual position before us, we find that the above Appeals challenging paragraphs 3 and 4 of the impugned order are certainly maintainable before this Court.

5. We therefore direct that the registry shall dispense with the objection taken on the maintainability of the above Appeals.

6. In both the above Appeals, if there are any other objections, the same shall be removed within a period of four weeks from today, failing which the above Appeals shall stand dismissed without further reference to the Court.

7. We now place the above Appeals along with the Interim Applications filed therein, peremptorily for hearing and final disposal on 28th September 2024.

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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]