

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

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**FAMILY COURT APPEAL NO.185 OF 2019
WITH
CIVIL APPLICATION NO.280 OF 2019
WITH
CIVIL APPLICATION NO.279 OF 2019**

Shubhendu Sharma

.. Appellant/
Applicant

Versus

Mrs.Venu Sharma

.. Respondent

**WITH
INTERIM APPLICATION NO.7932 OF 2024
WITH
INTERIM APPLICATION (St.) NO.13272 OF 2021
WITH
INTERIM APPLICATION NO.18334 OF 2022
IN
FAMILY COURT APPEAL NO.185 OF 2019**

Venu Sharma

.. Applicant

In the matter between

Shubhendu Sharma

.. Appellant

Versus

Mrs.Venu Sharma

.. Respondent

Ms.Racheeta Dhuru a/w Mr.Ramjeet H. Sharma, Mr.Manoj M. Mali,
Advocate for the Appellant/Husband in FCA/185/2019.

Mr.Anilkumar Patil with Ms. Zeel Jain, Mr.Rahul Rote, Advocate for
Respondent/Wife in FCA/185/2019.

Mr.Shubhendu Sharma, Appellant / Husband is present in Court

Ms.Venu Sharma, Respondent / Wife is present in Court

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

DATE: AUGUST 16, 2024

P. C.

1. Mentioned out of turn.

2. The above Family Court Appeal is filed by the Appellant Husband against the Judgement and Order dated 16th May, 2019 passed by the learned Family Court, Bandra, Mumbai. Under the impugned Order, the Petition filed by the Husband seeking a divorce was dismissed and he was directed to return to the Respondent, the jewellery/ornaments as mentioned in Exhibit A, and the household goods and other things as mentioned in Exhibit B, of the Application Exhibit 31, within two months from the date of the Order. The Respondent wife was also directed to give access of the minor

daughter Advita to the Petitioner on 3rd and 5th Saturday of every month between 4.00 p.m. to 6.00 p.m. at the mall or nearby park. The Petitioner husband was also directed to pay maintenance of Rs.10,000/- per month to the Respondent for the minor daughter Advita from the date of the said Order.

3. When the matters are called out, we are happy to note that with the intervention of the Counsel, the disputes between the Appellant Husband and the Respondent Wife have been settled as recorded in the Consent Terms dated 16th August, 2024. The Consent Terms *inter alia* provide that for the maintenance of the minor daughter, the Appellant Husband shall pay a lumpsum of Rs.4,30,000/- by way of Demand Draft. This Demand Draft has been handed over to the Advocate for the Respondent Wife in Court today and which is duly acknowledged by them. The Consent Terms also provide that now the parties want a divorce by mutual consent.

4. The Consent Terms have been signed by the Appellant Husband as well as the Respondent Wife. Both the parties are present in Court today. They have both stated that they have signed the Consent Terms of their own free volition and after reading and understanding the same as well as the

implications thereof. The Consent Terms are also signed by the Advocates for the Appellant and the Advocates for the Respondent.

5. In these circumstances, the Consent Terms dated 16th August, 2024 are taken on record and marked 'X' for identification. The undertakings given in the Consent Terms, if any, are accepted. There shall be no order and decree in terms of the Consent Terms.

6. The parties before us have requested us to pass a decree by mutual consent under Section 13B of the Hindu Marriage Act, 1955. On enquiry from the parties whether there was any chance of reconciliation, they have stated before us that they have tried to reconcile their differences but without any success. In these circumstances and considering that the parties have been residing separately since November 2009, we are of the opinion that this is a fit case where the marriage between the Appellant Husband and the Respondent Wife ought to be dissolved by mutual consent under Section 13B of the Hindu Marriage Act, 1955. Considering the peculiar circumstances, the marriage between the Appellant Husband and the Respondent Wife solemnized on 3 December 2007 hereby stands dissolved by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

7. The Consent Terms dated 16th August 2024 read with this Order shall now be substituted in place of the impugned Order dated 16th May 2019. The above Family Court Appeal is disposed of in the aforesaid terms. However, there shall be no Order as to costs.

8. In view of the disposal of the above Family Court Appeal, all Civil Applications and or Interim Applications pending therein, do not survive and are disposed of accordingly.

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.]