



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 1515 OF 2023
IN
FAMILY COURT APPEAL NO. 25 OF 2023

Tanvi w/o Ankush Bambal
Vs.
Ankush s/o Nilkanthrao Bambal

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.R. Agrawal, Advocate for applicant.
Mr. Kshitij V. Kothale, Advocate for respondent.

CORAM : VINAY JOSHI, AND
VRUSHALI V. JOSHI, JJ.

DATE : 15.01.2024

On account of settlement, the parties have urged to convert the decree of divorce granted by Family Court to the decree of divorce by mutual consent. In view of settlement, permission is granted.

2. Heard.

3. Matrimonial disputes gave rise to multiple litigation spread over at different levels of the Court. The husband has filed a divorce petition on the ground of cruelty whilst wife has filed a petition for

restitution of conjugal rights. The trial Court vide common judgment and order dated 13.06.2023 has dissolved the marriage on the ground of cruelty as provided under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, whilst dismissing the converse prayer about restitution of conjugal rights.

4. Being aggrieved, wife has filed this appeal for setting aside the divorce decree as well as one other Family Court Appeal No.03/2024, seeking to challenge rejection of restitution petition. In pursuance of settlement, wife has today withdrawn said appeal.

5. During pendency of divorce proceeding, wife has moved for interim maintenance. The trial Court has awarded certain sum towards interim maintenance in terms of Section 24 of the Hindu Marriage Act. Being aggrieved, the husband has filed Writ Petition No.7360/2022, in which, at the request of both sides, this Court has referred the matter for mediation. The mediation turned to be successful as the parties have mutually settled the differences by arriving at certain terms. Accordingly, the deed of settlement was prepared and duly signed by parties and has been filed in Writ Petition

No.7360/2022. It was one of the terms of the settlement that both would get divorce decree to be converted into a divorce by mutual consent.

6. Today, both husband and wife are present before us. They have agreed about settlement as well as compliance of rest of the terms. The husband has deposited sum of Rs.21,00,000/- (Rupees Twenty One Lakhs Only) in this Court towards full and final settlement. In view of that, in order to remove any blot they have decided that the divorce shall be by mutual consent, as it would not become a hurdle in their future matrimonial prospectus.

7. Having regard to all above aspects and particularly in view of settlement, we have no hesitation to dispose of the appeal in following terms:-

(i) The impugned judgment and decree passed in Petition No.A-92/2019 & Petition No.A-213/2015 dated 13.06.2023 is modified to the extent of dissolution of marriage in the following terms :-

(ii) Marriage solemnized between Petitioner Shri Ankush Nilkanthrao Bambal and respondent Tanvi

Ankush Bambal solemnized on 29.05.2015 is hereby dissolved by way of mutual consent in terms of Section 13(B) of the Hindu Marriage Act, 1955.

8. Civil application and appeal also stand disposed of in the above terms.

JUDGE

JUDGE