

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.108 OF 2024

Anjana Sachin Bhosale ...Appellant
Versus
Sachin Laxman Bhosale And Anr. ...Respondents

Mr. Sandeep Sharma, for the Appellant.
Ms. Trupti Chavan, for the Respondent.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 3 MARCH 2025

P.C.:

1. This Family Court Appeal is filed by the appellant assailing the judgment and order dated 4 April 2024 passed by the learned Principal Judge, Family Court at Thane whereby the petition filed by the respondent under Section 13(1)(i) r/w (i-a) of the Hindu Marriage Act, 1955 was partly allowed, whereby the marriage between the appellant and the respondent solemnized on 26 December 2016 was dissolved by a decree of divorce.
2. The proceedings of the present appeal were listed before a co-ordinate Bench of this Court (Coram: B.P. Colabawalla and Somasekhar Sundaresan, JJ.) on 29 November 2024 when the parties informed the Court that they have settled the disputes subject matter of the present proceedings, and that they intended to place on record consent terms

dated 29 November 2024. Accordingly, the consent terms were taken on record. It was agreed between the parties that the dispute would be resolved by the respondent paying the appellant an amount of Rs.9,50,000/- in full and final settlement. The Court accordingly had passed the following order:-

- “1. Mentioned. Taken out of turn.
2. The learned advocate appearing on behalf of the Appellant-Wife and the Respondent-Husband stated that the differences between the Appellant-Wife and the Respondent-Husband have been settled as recorded in the Consent Terms dated 29th November 2024. The Consent Terms inter alia provide that the order of the Family Court granting a divorce to the Respondent-Husband on the ground of cruelty be set aside and their marriage be dissolved by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. The Consent Terms also provide that by way of full and final settlement, the Respondent-Husband shall pay a sum of Rs.9,50,000/- to the Appellant-Wife in a manner more particularly set out in clause (e) of the Consent Terms. In short, Rs.3,00,000/- would be paid on the date of filing of the present Consent Terms; Rs.3,25,000/- would be paid on the date of withdrawal of proceedings pending before J.M.F.C. 17th Court at Borivali, Mumbai bearing No.299/DV/2018; and Rs.3,25,000/- would be paid on the date of pronouncement of Judgment of quashing in favour the Respondent- Husband and other accused in FIR bearing C.R.No.23 of 2019.
3. The Appellant-Wife and the Respondent-Husband are present in Court today. They have both stated to the Court that they have signed these Consent Terms of their own free volition and after reading and understanding the same as well as the implications thereof.
4. The Consent Terms are also signed by the advocates for the Appellant-Wife and advocates for the Respondent-Husband.
5. In these circumstances, the Consent Terms dated 29th November 2024 are taken on record and marked ‘X’ for identification. There shall be an order and decree in terms of the Consent Terms, save and except the granting of a decree of divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. That will be passed once the entire payment of Rs.9,50,000/- is done by the Respondent-Husband to the Appellant-Wife. To that extent, the above Family Court Appeal is kept pending.

6. The parties are at liberty to move this Court for passing the decree of divorce by mutual consent once the entire payment is made as more particularly set out in the Consent Terms.
7. 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.”

3. As seen from paragraph 5 of the aforesaid order, the Court awaiting full payment to be received by the appellant postponed to pass a decree of divorce by mutual consent as agreed between the parties and accordingly, the proceedings are listed before us today.

4. Today, the parties are before the Court. It is confirmed that as per the terms and conditions of the Consent Terms (as already accepted by this Court), the appellant has received the amount of Rs.9,50,000/- in full and final settlement and hence, the Court needs to pass an order granting a decree of divorce by mutual consent. We, accordingly, dispose of the Appeal by passing the following order:-

ORDER

- (i) By consent of the parties, the marriage between Mr. Sachin Laxman Bhosale and Ms. Anjana Sachin Bhosale is dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955.
- (ii) The parties have fully complied with the terms and conditions as set out in the consent terms dated 29 November 2024.

(iii) Decree be drawn accordingly.

5. Appeal stands disposed of in the aforesaid terms. No costs.
6. Interim Application, if any, would also not survive and the same stand disposed of.
7. Office to issue certified copy of this order within a period of one week from the date of application.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]