

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 34 OF 2025

Mr. Sandeep Kumar)
Age : 49 years, Occ.: Service)
R/AT:307, Nightingale B,)
Raheja Woods, Next to WeWork,)
Kalyaninagar, Pune City,)
Pune – 411 006 Maharashtra) ...Appellant

Versus

Mrs. Swati Sandeep Kumar)
Maiden Name : Swati Sahay,)
Age : 45 years, Occ.: Service,)
R/AT:C/O Mr. Tripura nand Sahay)
Shiv Shakti Bhawan,)
Near Mission Hospital,)
Vikasnagar, Road No. 8A,)
RANCHI 834 003 (Jharkhand)) ...Respondent

Mr. Vivek Tambe a/w Mr. Amol Muley for the Appellant.

Mr. H. D. Chavan i/b Mr. M. D. Ramteke for the Respondent.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 28th NOVEMBER, 2025

Judgment (Per Sandesh D. Patil, J.):

- 1) Heard learned Counsel for the parties.
- 2) **Rule.** Rule is made returnable forthwith, with consent of both the parties and the present Family Court Appeal is taken up for final disposal.
- 3) Mr. H. D. Chavan, learned Counsel for the Respondent waives service on behalf of the Respondent.
- 4) The present Family Court Appeal was filed by the Appellant- Husband, being aggrieved and dissatisfied with the Judgement-decree and Order dated 22/11/2024 passed by the learned Judge, Family Court No.3, Pune, whereby the Marriage Petition No. A-571 of 2022 filed by the Appellant-Husband under the provisions of Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955 was dismissed.
- 5) The marriage between the parties was solemnized on 31/05/2004 at Giridih, Jharkhand. Out of the said wedlock,

parties have a daughter- Samridhi, born on 01.01.2006, (Now a major).

6) The Appellant- Husband had filed the marriage Petition No. A-571 of 2022 before the learned Judge, Family Court No.3, Pune on the ground of cruelty and desertion.

7) The Respondent-Wife appeared in this matter. The matter was kept in the chamber in order to explore possibility of amicable settlement of the matter. sDuring the course of interaction in the chamber, the parties reached a consensus and accordingly, consent terms were entered into between the parties and Daughter- Ms. Samridhi.

8) The consent terms dated 28/11/2025 entered between the parties and Daughter- Ms. Samridhi, are marked as Exhibit 'X' for identification. The said consent terms are reproduced as under:

“CONSENT TERMS

1. *These Consent Terms are jointly submitted by the Appellant/Husband, the Respondent/Wife, and their daughter Ms. Samridhi Sahay, aged around 20 years, pursuing a 5 Year Law Course at Bennett University, Greater Noida, in furtherance of the Order dated 18th November 2025 passed by this Hon'ble Court in Chambers, whereby the matter was kept for exploring settlement and stood adjourned to 20th November 2025 at 3.00 p.m. for perusal of the mutually agreed upon Consent Terms by the Hon'ble Court.*
2. *The parties were married in the year 2004. One daughter, Ms. Samridhi Sahay, was born from the said wedlock on 01.01.2006. Owing to irreconcilable differences and long-standing separation of around 15 years, both parties have voluntarily and consciously decided to dissolve their marriage by mutual consent under Section 13 B of the Hindu Marriage Act, 1955.*
3. *The Appellant / Husband agrees to provide a total sum of 20,00,000/- (Rupees Twenty Lakhs only) exclusively towards the higher education of the daughter, which includes the fees for the Law Course, books, and other academic necessities. The indicative annual expenditure being approximately 4.5 lakhs, the total remaining cost is estimated between 18-20 lakhs.*
 - (a) *A sum of 5,00,000/- (Rupees Five Lakhs only) shall be transferred by RTGS/NEFT to the daughter's bank*

account within 48 hours of signing these Consent Terms by the Appellant.

- (b) *The balance sum of ₹15,00,000/- (Rupees Fifteen Lakhs only) shall be invested on or before 30.11.2025 in six (6) Fixed Deposits of 2,50,000/- each, in the daughter's sole name, with any Nationalized or Scheduled Bank as per mutual understanding between the parties. The Appellant/Husband shall be the sole nominee. The respondent has no objection to this arrangement. The deposits shall carry staggered maturities as under:*

<i>Sr. No.</i>	<i>FD No.</i>	<i>Amount (Rs.)</i>	<i>Maturity Period</i>
<i>1</i>	<i>2650573781</i>	<i>2,50,000</i>	<i>6 months</i>
<i>2</i>	<i>2650573750</i>	<i>2,50,000</i>	<i>12 months</i>
<i>3</i>	<i>2650573729</i>	<i>2,50,000</i>	<i>18 months</i>
<i>4</i>	<i>2650573712</i>	<i>2,50,000</i>	<i>24 months</i>
<i>5</i>	<i>2650573699</i>	<i>2,50,000</i>	<i>30 months</i>
<i>6</i>	<i>2650573682</i>	<i>2,50,000</i>	<i>36 months</i>

- (c) *The said funds shall be utilized exclusively for the daughter's bona fide educational requirements - namely fees, books, academic material, and allied costs.*
- (d) *The daughter has been duly admitted to the B.A. LL.B Hons. (5-Year*

Integrated Law Course) at Bennett University, Greater Noida, the Respondent has already paid the initial admission and tuition fees as demanded by the University. The Respondent has made available to the Appellant copies of student's Id card, fee structure and 1 year marks sheet of Ms. Samridhi Sahay, for record and verification.

- (e) *Full Disclosure about the daughter:*
- (i) *Present residential address: 501, T-3, UNITECH HORIZON, SECTOR-PI II, GREATER NOIDA-201308*
 - (ii) *Mobile No: 7294156459 (Whatsapp)*
 - (iii) *Aadhaar No.: 697083640702*
 - (iv) *PAN No.: MPQPS8023C*
 - (v) *Bank & Branch: KOTAK MAHINDRA BANK, ALFA I, GREATER NOIDA*
 - (vi) *Account Holder's Name: SAMRIDHI SAHAY*
 - (vii) *Account No.: 2648621418*
 - (viii) *IFSC: KKBK0005028*
 - (ix) *University details: Bennett University*
 - (a) *Enr no.: L24BALU0151*
 - (b) *Student mail id: 124balu0151@bennett.edu.in*
 - (c) *University address: Bennett University, Tech Zone II, Greater Noida, UP-201310*

- (f) *Save and except as stated herein, neither party shall claim any permanent alimony, maintenance, streedhan, or other financial relief whatsoever against the other, whether past, present, or future.*
 - (g) *The aforesaid particulars shall be verified by the Appellant/Husband prior to disbursement, and both the Respondent/Wife and the Daughter undertake to intimate any subsequent change in writing forthwith.*
- 4. *All the parties to these consent terms i.e. the Appellant / Husband, the Respondent / Wife and the daughter, Ms. Samridhi Sahay, voluntarily submit to the contempt jurisdiction of this Hon'ble Court. In the event of –*
 - (i) *any willful failure on the part of the Appellant / Husband to make the payments or create the fixed deposits as agreed herein; or*
 - (ii) *any misuse, diversion, or utilization of any part of the said 20,00,000/- for purposes other than the daughter's genuine educational needs, such act shall amount to willful disobedience of the decree and shall constitute civil contempt of this Hon'ble Court. The Respondent / Wife further undertakes not to facilitate, permit, or abet any misuse of the said educational funds.*
- 5. *The Appellant Husband and the Respondent / Wife hereby unconditionally withdraw all allegations of cruelty, desertion, or any other imputations made in the pleadings before the*

Family Court and undertake not to repeat, publish, or revive the same hereafter in any manner.

6. *The Respondent / Wife shall furnish and keep updated the current contact and residential details of the daughter with the Appellant/Husband. The daughter, being a major, shall make best endeavors to maintain and restore a normal father-daughter relationship through phone calls, WhatsApp communication, and personal meetings at mutually convenient locations, subject to mutual respect and comfort.*
7. *The parties jointly and respectfully pray that this Hon'ble Court may be pleased to:*
 - (i) *waive the statutory cooling-off period of six months contemplated under Section 13-B (2) of the Hindu Marriage Act, 1955, considering the long separation and full settlement between the parties;*
 - (ii) *grant a decree of divorce by mutual consent under Section 13-B of the said Act; and*
 - (iii) *dispose of the Family Court Appeal No. 34 of 2025 in terms of these Consent Terms.*
8. *These Consent Terms have been read over and explained to the parties and their daughter in the language understood by them. Each of them fully understands the contents and implications thereof and executes the same voluntarily, without*

*coercion, undue influence or
misrepresentation.*

*Executed at Mumbai, this 28th day of
November, 2025.”*

9) In light of the consent terms recorded between the parties,
the appeal is disposed of with the following order:

ORDER

- (i) The statutory cooling-off period of six-months as contemplated under Section 13B(2) of the Hindu Marriage Act, 1955 is waived off taking into consideration that the parties have been living separately since more than one year in different places.
- (ii) The marriage solemnized between the parties on 31/05/2004 is hereby dissolved by mutual consent by a decree under section 13B of the Hindu Marriage Act. 1955 in terms of the Consent Terms executed between the parties and Daughter- Ms. Samridhi.

- (iii) The Judgment-Decree and Order dated 22/11/2024 passed by the learned Judge, Family Court-3, Pune in Petition No. A-571 of 2022 is hereby quashed and set aside, and is substituted by the present Consent Terms dated 28/11/2025.
- (iv) The consent terms shall form a part of the present Judgement-decree and order.
- (v) Both the parties will act upon their respective undertakings as given in the consent terms.
- (vi) Decree be drawn in terms of the aforesaid consent terms.
- (vii) There shall be no order as to cost.

10) The Family Court Appeal No. 34 of 2025 is disposed of accordingly.

- 11) Rule is made absolute in aforesaid terms.
- 12) Stand over to **22nd December, 2025** for compliance.
- 13) All concerned parties to act on the authenticated copies of the said order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)