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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

FAMILY COURT APPEAL NO.65 OF 2025

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by VASANT
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Date: 2025.11.18
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Amrish Laldas Lal,	)	
Age : 57 years, Occu : Business,	)	
R/O B/601, Sudha Avenue, Shivaji Road,	)	
Kandivali (West), Mumbai.	)	...Appellant
	)	
..Versus..	)	
	)	
Neeta Amrish Lal @ Neeta Durlabji Palan)	)	
Age : 53 years, Occ : Service,	)	
Residing at : 5, Revale House,	)	
Swami Samarth Lane, Kandivali (W),	)	
Mumbai, Presently staying at :	)	
C-401, Accord Apartment,	)	
Kandivali Village, Near Mahavir	)	
Nagar, Kandivali (W), Mumbai -67.	)	...Respondent

Mrs.Prabha Badadare for the Appellant.

Mr.Omkar Nagwekar for the Respondent.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
DATE : 12TH NOVEMBER, 2025.

ORDER (Per Sandesh D. Patil, J.) :-

1. The present Family Court Appeal takes exception to

part of the judgment, decree and the order dated 28th January, 2025 passed by the learned Family Court – 4, at Bandra. Mumbai, in Petition No.A-1630 of 2015, whereby the decree of divorce was granted in favour of the present Appellant however, claim of injunction against the Respondent restraining her from occupying and/or possessing the Appellant's premises at 5, Ravale House, Kandivali, Mumbai was refused by the learned Family Court, Mumbai.

2. The Appellant – Husband had preferred the present FCA in this Court. On 4th July, 2025, this Court (Coram : Revati Mohite Dere & Dr.Neela Gokhale, JJ.) was pleased to issue notice to the Respondent – Wife. In response to the notice which was issued by this Court, the Respondent – Wife appeared before this Court.

3. When this matter was listed on 12th November, 2025, the parties informed the Court that they have mutually settled the matter and that they desire to file consent terms on record.

4. Learned counsel for the parties have today, tendered the consent terms, which are duly signed by the parties. The parties are identified by their respective advocates. The said consent terms are taken on record and marked-X for identification. The said consent terms are reproduced as under :-

‘CONSENT TERMS

Appellant has challenged the Judgment and decree dated 28/01/2025 passed by Ld. Family Court, Mumbai, at Bandra for a limited relief as the Ld. Family Court has refused to grant injunction against Respondent in respect of Room No. 5, Revale House, Swami Samarth Lane, Kandivali (w), Mumbai, during the pendency of said Family Court Appeal Parties have amicably settled the dispute on the following consent terms.

1. *It is agreed between the parties that, Respondent wife will not claim any rights and interest in respect of Appellant's house i.e Room No. 5, Revale House, Swami Samarth Lane, Kandivali (w), Mumbai-400 067 and further agreed that Respondent will never file any dispute in respect of said house in future.*

2. *It is agreed and undertaken by Appellant to pay Rs. 5,00,000/- (Five Lakhs Only) as full and final settlement amount to the Respondent wife by way of Demand Draft No. 500906 dated 10/09/2025 drawn on ICICI Bank, Kandivali (w) Branch in favour of Neeta Durlabhji Palan (Respondent wife) at the time of filing of consent terms and the Respondent wife will hand over the keys of the said house i.e Room No. 5, Revale House, Swami Samarth Lane, Kandivali (w), Mumbai. The Respondent wife has vacated the said house and have taken all her belongings.*

3. *In view of the settlement that has taken place*

between the parties both Appellant and Respondent have agreed to quash and set aside the Judgment and decree of divorce dated 28/01/2025 passed by Ld. Family Court Mumbai in Petition No. A-1630/2015 and to convert the said decree into decree of divorce by mutual consent under section 13 (B) of The Hindu Marriage Act by withdrawing the allegations made against each other in said Petition.

4. *In view of the settlement for decree of divorce by mutual consent, it is agreed between the parties that they will not have claim of any nature whatsoever against each other in future.*

5. *It is agreed between the parties that both the Appellant Husband and Respondent wife will surrender their rights to claim the maintenance for themselves for past, present and future and further undertake that they will not claim any kind of share in the self, parental, or ancestral property against each other in future and further agreed between the parties that they will never file any dispute in future.'*

5. Both the parties are present before this Court. We have asked the parties as to whether they have signed the consent terms and have understood the contents of the consent terms, to which both the parties replied in the affirmative. In view of the settlement which is arrived at between the parties and penned down in the consent terms mentioned above, we dispose of the present Family Court Appeal on the following terms :-

i). The judgment, decree and the order dated 28th January, 2025 passed by the learned Family Court – 4, at Bandra. Mumbai, in Petition No.A-

1630 of 2015 is hereby quashed and set aside.

ii). The marriage between the parties solemnized on 8th July, 2003 is hereby dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act.

iii). The Petition No.A-1630 of 2015 is disposed of in terms of the present consent terms.

iv). Decree be drawn up accordingly. There shall be no order as to costs.

6. All parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)