

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 98 OF 2009
WITH
INTERIM APPLICATION NO. 3344 OF 2025
IN
FAMILY COURT APPEAL NO. 98 OF 2009

Vivek Anand)
Age: 52 years, Occupation: Business)
R/at: 12 B, Embassy Apartments,)
Napean Sea Road, Mumbai 400 006) ...Appellant/
Applicant

Versus

Mrs. Anupam Anand)
Age: 52 years, Occupation: Housewife)
R/at: 304, Bakhtavar,)
Opp. Colaba Post Office, Mumbai 400 005) ... Respondent

Mr. Rajiv Patil, Senior Advocate a/w Ms. Madhubala Shetty,
Mr. Sameer Singh and Mr. Ojas Kocharekar for the Appellant/
Applicant.

Mr. Darshan Mehta i/b Dhruve Liladhar & Co. for the Respondent.

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

DATE : 10th DECEMBER, 2025.

Judgement (Per Sandesh D. Patil, J) :

1. Heard learned Counsel for the parties.
2. **Rule.** Rule is made returnable forthwith and with the consent of the parties the Family Court Appeal is taken up for final disposal.
3. Mr. Darshan Mehta appearing for the Respondent waives notice on behalf of the Respondent.
4. By the present Family Court Appeal, the Appellant-Husband is challenging the Judgment-Decree and Order dated 31.12.2008 passed by the learned Judge, Family Court No.3, Bandra, Mumbai in Marriage Petition (M.J. Petition) No.1173 of

2005 passed on 31.12.2008 whereby the Marriage Petition filed by the Appellant-Husband for divorce under the provisions of Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955 was dismissed and counter-claim filed by the Respondent-Wife was partly allowed.

5. The present Family Court Appeal was admitted by this Court [**Coram : A. M. Khanwilkar and A. A. Sayed, JJ**] vide order dated 19.07.2010.

6. The marriage between the parties was solemnized on 18.05.1995 at Mumbai. Out of the said wedlock, parties have a daughter- Siya, born on 07.03.1996.

7. The Appellant-Husband had filed the Marriage Petition (M.J. Petition) No.1173 of 2005 before the learned Judge, Family Court No.3, Bandra, Mumbai on the grounds of cruelty and desertion.

8. During the pendency of the present Appeal before this Court for final hearing, the parties have amicably settled the matter. The parties have tendered the Consent Terms dated 10.12.2025 and same are taken on record and are marked as 'X' for identification. The said consent terms are reproduced hereinbelow:

“ 1. The Parties hereby mutually agree that, the Order dated 31st December, 2008, passed by the III Family Court, Mumbai at Bandra be set aside.

2. The Parties mutually hereby agree that, divorce be granted my mutual consent.

3. The Respondent agrees, confirms and undertakes that, she is not desirous of claiming any residential accommodation for herself, nor claim any maintenance for herself in future.

4 No Order as to costs the aforesaid Appeal is disposed of accordingly.”

9. We have asked the parties whether they have signed the

consent terms on their own freewill and after understanding the consequence of the same to which both the parties have replied in the affirmative.

10. We are satisfied, that the parties are staying away from each other since last more than one year from passing of the present order and hence, the statutory period of filing the proceeding for divorce by mutual consent is hereby waived.

11. We therefore, pass the following order:

ORDER

(i) The marriage between the parties solemnized on 18.05.1995 is hereby dissolved by mutual consent between the parties.

(ii) The judgment-decree and order dated 31.12.2008 passed by the learned Judge, Family

Court No.3, Bandra, Mumbai in Marriage Petition (M.J. Petition) No.1173 of 2025 is set aside and is substituted by the present consent terms dated 10.12.2025.

(iii) Consent terms shall form part of this Order.

(iv) Both the parties will act upon their respective undertakings as given in the consent terms

(v) Decree be drawn in terms of the present consent terms.

(vi) There shall be no order as to costs.

(vii) **Rule** is made absolute in aforesaid terms.

12. Family Court Appeal No.98 of 2009 is disposed of

accordingly.

13. In view of disposal of aforesaid Family Court Appeal, nothing survives for consideration in Interim Application No.3344 of 2025 (for early hearing), hence the same also stands disposed of

14. All concerned parties to act on an authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)