

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****FAMILY COURT APPEAL NO. 22 OF 2024****WITH****INTERIM APPLICATION NO.1381 OF 2024****IN****FAMILY COURT APPEAL NO.22 OF 2024**

Arpita Rajput

.. Appellant

Versus

Avinash Kumar Rastogi

.. Respondent

...

Mr. Virendra V Pethe for the Appellant.

Ms. Arpita Rajput, Appellant present in person.

Mr. Avinash Kumar Rastogi, Respondent present in person.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.****DATED : 3rd FEBRUARY, 2026****P.C:-**

1. The First Appeal filed by the wife raises a challenge to the decree of divorce granted under Section 27(1)(d) of the Special Marriage Act, 1954, in a petition filed by the husband, in form of Petition No. A – 528/2017.

The appellant wife also filed Petition No. E/9/2023 before the Family Court, Thane, for grant of maintenance under Section 125 of Code of Criminal Procedure, 1973.

2. During the pendency of the said petition, the parties arrived at a settlement, and Consent Terms were drawn, duly signed by the parties and presented before the Family Court, at Thane, on

22/12/2025.

A certified copy of the Consent Terms is placed before us by the learned counsel for the appellant and by accepting the same on record it is marked as 'X' for identification.

The appellant and the respondent are present in person. Their identity is verified through their Aadhaar Cards by the Court Shirastedar. They have also placed photocopy of their Aadhaar Cards on record and the same is accepted.

3. The Consent Terms record that the husband has agreed to pay the appellant wife a sum of Rs. 50,00,000/- towards full and final settlement of all her past, present and future claims, including permanent alimony, maintenance (past, present, future), stridhan, residence, and any other claims of whatsoever nature, monetary or property claims, against the respondent and/or his family members.

It is also agreed that the Demand Draft of Rs. 50,00,000/- shall be deposited in the Family Court, Thane and this condition, as on date is complied with.

The appellant wife had agreed to withdraw the maintenance Petition No. E/9/2023 pending before the Family Court, Thane, pursuant to deposit of Demand Draft, and this proceedings are also withdrawn.

Since, the Consent Terms recorded that the wife shall be entitled to withdraw the money deposited by Demand Draft only on disposal of the Family Court Appeal No. 22 of 2024, the appellant seeks withdrawal of the appeal.

4. The Consent Terms have incorporated several stipulations, including a declaration by both the parties that they shall not indulge in any acts which may, or is likely to defame, slander or malign the character or reputation of either party or their respective family members, and that on receipt of sum of Rs. 50,00,000/-, the wife shall have no claim whatsoever against the respondent in future.

5. Clause 5 of the Consent Terms record thus:-

“5. Both parties agree that marriage between the Appellant wife and Respondent Husband solemnized on 11.07.2016 be dissolved by mutual consent of both the parties.”

When specifically inquired with the counsel about the power of the Appellate Court to pass a decree for mutual divorce, as both the parties have consented that the marriage solemnized between them in the year 2016 be dissolved, learned counsel request for some time to ponder upon the said issue.

6. We make it clear that we have taken the Consent Terms on record, but we would like to examine the condition/stipulation in Clause 5, requesting the Court to dissolve the marriage by mutual consent and for this limited purpose, we direct listing of the proceedings on 6/02/2026, on the Supplementary Board.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)