

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**FAMILY COURT APPEAL NO. 50 of 2026**  
**WITH**  
**INTERIM APPLICATION NO. 3516 OF 2026**

Pravin Rajaram Kedare .. Appellant  
Versus  
Shital Pravin Kedare @ Shital Vijay .. Respondent  
Panpatil

...

Mr.Sumedh Modak with Mr.Aakash Bhopi for the appellant.

**CORAM : BHARATI DANGRE &**  
**MANJUSHA DESHPANDE, JJ**  
**DATED : 8<sup>th</sup> MAY 2026.**

**P.C:-**

1 Appeal is filed by the husband who is aggrieved by the judgment dated 10/4/2026 passed by the Family Court, Belapur, thereby dissolving the marriage solemnised between the parties by a decree of mutual divorce under the provisions under Section 13(1) of Hindu Marriage Act, 1955.

The order also direct that the consent terms mentioned in the application at Exhibit-31, shall form part of the decree. In addition, the following direction is issued by the Family Court.

“5 The petitioner no.2 is direct to execute relinquishment deed of his 50% share in the jointly owned 2BHK flat No.302, 3<sup>rd</sup> floor, plot no.81B, 81C, and 82 Sector 14, Koparkhairane, Navi Mumbai in favour of the petitioner no.1, within two months by accepting Rs.27,50,000/- from her.”

2. The learned counsel for the appellant vehemently submit that he had never accorded his consent in writing to any of the stipulations though even today, he is under instructions to make a statement that the marriage can be dissolved by mutual consent, but on principle, he would submit that the Court has presumed the existence of consent terms, and therefore, it was not justified on issuing direction no.5 in the impugned judgment which we have reproduced above.

3. On the contention advanced on behalf of the appellant, we have perused Exhibit-31 which is an application filed by the petitioner wife for conversion of petition under section 31(1) into a petition under Section 13B of the Hindu Marriage Act, 1955, for divorce by mutual consent. This application, is unilateral in the sense that it is only affirmed by the wife. The Family Court passed the following order on the said application

“ORDER

Perused the application and say of the respondent.

Considering the intention of the parties, the petitioner is allowed to convert the petition as prayed.

4/8/2024.”

The endorsement of the respondent on the same is as below:-

“No objection to convert the petition as prayed”

4. The petitioner still maintain his stance that he is agreeable to convert the petition into a petition under Section 13B, but he has never consented to any terms and what was mentioned in Exhibit-31 is a unilateral assertion by the

petitioner wife and was imperative for the Court to determine whether the respondent husband had accorded his consent to the said terms before directing a decree to be drawn.

5. Prima facie finding merit in the contention raised and in specific, on perusal of Exhibit-31 that the order passed thereon and the endorsement in form of an No Objection to convert the petition under Section 13B and without respondent husband agreeing to any other terms and conditions, we deem it appropriate to grant stay to the impugned judgment and order dated 10/4/2026.

6. Issue notice to the respondent, making it returnable on 3/7/2026.

In addition to the Court notice, notice is also permitted to be served through private mode of service.

**(MANJUSHA DESHPANDE, J)**

**(BHARATI DANGRE, J.)**