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% 23.11.2010

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Present:- Appellant is present in person.
Mr.Narender Malawaliya and Ms.Narbada,
Advocates for the respondent with the respondent
in person.

+C.M.No.20934/2010 in MAT.APP.83/2010

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By this joint application moved under Section 151
CPC, the parties seek cancellation of decree of divorce dated
30.01.2010 passed by the learned trial court. Along with the
joint application, the parties have also placed on record the
compromise deed dated 15.11.2010 duly signed by both the
parties.

The appellant is present in person while the
respondent is present along with his counsel. Both the parties
have stated that they are now living together as husband and
wife since 25.10.2010 and they are duly performing their
matrimonial obligations towards each other. Both the parties
have agreed not to file any sort of case against each other.
The appellant, present in person, states that she has already
withdrawn the two cases filed by her; one under Section 125

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

Cr.P.C. and the other under Section 12 of Protection of Women from Domestic Violence Act. Both the parties have also prayed that in view of said settlement arrived at between them, the decree of divorce granted by the learned trial court vide order dated 30.01.2010 may be set aside.

In the present appeal filed under Section 28 of the Hindu Marriage Act, 1958, the appellant seeks to set aside the impugned judgment and decree dated 30.01.2010 passed by the Court of Shri Virender Bhat, Ld. ADJ, Delhi in HMA Case No.328/07 whereby the marriage between the parties was dissolved by a decree of divorce under Section 13(1) (ia) of the Hindu Marriage Act on the ground of cruelty.

During the pendency of the present appeal in this Court, both the parties had agreed to finally resolve their inter se disputes amicably. In the joint application along with the compromise deed filed by the parties, they have stated that they are now living together as husband and wife since 25.10.2010 and they are duly performing their matrimonial obligations towards each other. Pursuant to the said compromise deed, the appellant has also withdrawn two cases

filed by her; one under Section 125 Cr.P.C. and the other under Section 12 of Protection of Women from Domestic Violence Act. Both the parties have also agreed that they will trust each other and will not take any step to file any other case against each other in future.

In the light of the aforesaid development, the appellant is permitted to withdraw the present appeal. The same is accordingly dismissed as withdrawn. Since both the parties have started living together as husband and wife, therefore, the decree of divorce granted by the learned trial court in favour of the respondent vide order dated 30.01.2010 has become infructuous. The same is accordingly dismissed. Both the parties shall remain bound by their undertakings and the terms of the compromise deed and shall not violate the same in any manner whatsoever.

Application stands disposed of in terms of the above order.

November 23, 2010

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KAILASH GAMBHIR, J

— NO LCR
— Fresh Review Application
filed for review of order
dt 23/11/10.
— Fresh CM 8137/12 v/s 5 dated 23/11/10.
— Fresh CM 8138/12 v/s 151 dt 23/11/10.