

Court No. - 39

Case :- FIRST APPEAL DEFECTIVE No. - 441 of 2023

Appellant :- Smt. Neha

Respondent :- Vikash Kumar

Counsel for Appellant :- Brij Lal Shukla

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Shri Brij Lal Shukla, learned counsel for the appellant and perused the record.
2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984, arising from the order dated 25.07.2023 passed by learned Additional Principal Judge, Family Court, Gautam Buddh Nagar, in Matrimonial Case No. 411 of 2023 (Smt. Neha Vs. Vikash Kumar).
3. By that order, the learned court below has dissolved the marriage between the parties on a joint petition moved by them under Section 13B of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'). While the appeal has been filed carrying a short delay of 25 days, in the context of the proceedings arising under Section 13B of the Act, perusal of the order reveals that the parties had moved a joint petition and pressed the same by filing their affidavits.
4. On query made, learned counsel for the appellant fairly states, the appellant had also appeared before the learned court below in those proceedings.
5. Once that is the state of record, decree for dissolution of marriage under Section 13B of the Act remains a consented decree. No appeal may arise.
6. Accordingly, the appeal is **dismissed**.

Order Date :- 1.12.2023

SA

(Shiv Shanker Prasad, J.)

(S.D. Singh, J.)