

**Court No. - 4**

**Case :- MATTERS UNDER ARTICLE 227 No. - 12397 of 2023**

**Petitioner :-** Shail Kumari

**Respondent :-** Vivek Mishra

**Counsel for Petitioner :-** Jeetendra Kumar Sharma

**Hon'ble Prakash Padia,J.**

1. It is argued that after the proceedings under Section 13-B was initiated by the parties by moving an application in HMA Case No. 410 of 2013 (Vivek Mishra vs. Shail Kumari), as per direction given in the aforesaid case, the matter was placed before the mediation center in which a compromise has already been taken place between the parties on certain terms and conditions as contained in the agreement made before the arbitrator on 07.10.2023, they will live separately.

2. It is argued that once settlement has already been made between the parties there is no rhyme and reason to postpone the hearing of the aforesaid case and the matter be directed to decide, expeditiously.

3. In this view of the matter, the present petition is disposed of finally permitting the parties to move the proper application in this regard before the concerned court in the aforesaid pending case. If such application is filed along-with the copy of this order within a period of one week from today, the court below will decide the same most expeditiously and preferably within a period of three weeks thereafter, specially in terms of the law laid down by the Hon'ble Apex Court in the case of **Amardeep Singh vs. Harveen Kaur**, passed in **Civil Appeal No. 11158 of 2017**, arising out of **Special Leave Petition (Civil) No. 20184 of 2017**.

**Order Date :-** 5.12.2023

Swati