

Court No. - 1

Case :- FIRST APPEAL No. - 224 of 2023

Appellant :- Ardhendu Bhooshan Pratap Singh Alias Ashotosh Singh

Respondent :- Smt. Sapna Singh

Counsel for Appellant :- Dheerendra Singh

Counsel for Respondent :- Suneel Kumar, Shailendra Kumar Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. A preliminary objection has been raised against the maintainability of present appeal filed under Section 19 (1) of the Family Court Act, 1984 to the effect that the appellant himself had previously instituted a proceeding for divorce under Section 13 (1) of the Hindu Marriage Act, 1955. This fact is not disputed by the appellant.

2. The Family Court has also taken note of the fact that the appellant himself instituted the divorce proceeding vide Regular Suit No.133 of 2017. Criminal proceedings have also derailed the relationship between the parties irreparably.

3. Both the parties are educated and self sufficient.

4. Once the appellant himself had previously instituted the divorce proceedings against the respondent, we do not find that the proceedings in the present appeal are left with any scope of success or settlement for which any attempt through mediation may be made.

5. The decree of divorce granted by the Family Court having regard to this relevant fact and in the light of discussion made in the family court judgement does not call for any interference in exercise of the appellate jurisdiction vested by virtue of Section 19 (1) of the Family Court Act, 1984.

6. The appeal bereft of any merit is accordingly ***dismissed*** at the admission stage.

Order Date :- 4.12.2023

Shahnaz