

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 901 of 2013**

Smt. Anita Beck aged about 39 years W/o Santosh Beck R/o village
Jhikhirma Post Office Palkot District Gumla (Jharkhand)

---- **Petitioner****Versus**

Santosh Beck S/o Late Polish Beck aged about 43 years R/o village & Post
Office Sitapur District Surguja (Chhattisgarh)

---- **Respondent****AND****M.C.C. No. 128 of 2004**

Santosh Beck S/o Late Polish Beck aged about 43 years Occupation
Agriculture R/o village & Post Office Sitapur District Surguja (Chhattisgarh)

---- **Petitioner****Versus**

Smt. Anita Beck W/o Santosh Beck D/o Shri Juliyas Lakda aged about 35
years Occupation Teacher R/o village Jhikhirma Post Office Palkot District
Gumla (Jharkhand)

---- **Respondent**

For Petitioner-Wife	: Shri H.V. Sharma, Advocate.
For Respondent-Husband	: Shri Vasant Zokarkar, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Hon'ble Shri Justice Goutam Bhaduri****Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Deepak Gupta, Chief Justice****12/08/2016**

1. Both the matters are being disposed of by this common judgment since they both arise out of one *ex-parte* decree for divorce passed under the Indian Divorce Act, 1869 by the Additional District Judge, Ambikapur on 3.10.2002.

2. M.C.C. No.128 of 2004 is a reference for confirmation of the decree for divorce filed by the husband. A decree for divorce granted by the

Learned Additional District Judge under the unamended Indian Divorce Act, 1869 was required to be confirmed by a Full Bench of the High Court. However, after the Amendment Act of 51 of 2001, which came into force on 3.10.2001, there is no requirement of confirmation of decree for divorce and this old provision has now been totally substituted. Though the petition for divorce was filed before the amendment was brought in, the judgment was passed on 3.10.2002 after the Act had been amended and therefore, no confirmation was required. Therefore, this petition is disposed of as being infructuous since no confirmation of decree for divorce is required.

3. M.C.C. No.901 of 2013 has been filed by the wife for setting aside the *ex parte* decree of divorce. We are not going into merits of the matter because as we have held above, decree for divorce is not required to be confirmed by the High Court.

4. However, since all the parties were under the impression that the decree for divorce was required to be confirmed, the application was filed in this Court. We therefore, in exercise of our inherent powers, direct that this application shall stand transferred to the Trial Court which shall decide the same strictly in accordance with law.

5. Both the cases are disposed of accordingly.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Goutam Bhaduri)
JUDGE

Sd/-
(P. Sam Koshy)
JUDGE