

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 110 of 2010

- Vashishth Singh, S/o Late Narendra Singh, aged about 32 years, R/o Baldeo Bag, Rajnandgaon, Tah. - District – Rajnandgaon.

---- Appellant

Versus

- Smt. Nisha Singh, W/o Shri Vashishth Singh, C/o. Chandrashekhar Singh, R/o. Dairy Farm, Shatabdi Nagar, opposite L.I.C. Office Dallirajhara, Distt. Durg (C.G.) at present R/o. Ward No. - 39, Budadeo ward Kaurinbhata, Rajnandgaon, Tah & Distt. Rajnandgaon (C.G.)

---- Respondent

For Appellant	:	Mr. R.N. Jha, Advocate along with the appellant.
For Respondent	:	Mr. Vivek Shrivastava, Advocate along with the respondent.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board By Justice I.S. Uboweja

11/05/2016

1. By filing this appeal, the appellant has challenged the legality and propriety of the judgment and decree dated 29.04.2010 passed by the Judge, Family Court, Rajnandgaon in Civil Suit No. 34-A/08, whereby appellant's application for divorce filed under Section 13 of the Hindu Marriage Act has been dismissed.
2. We have perused I.A. No. 05/2015, application under Section 13-B of the Hindu marriage Act, 1955 (for short, 'the Act'), jointly filed by the parties and the statements of the parties recorded by the Registrar (Judicial).
3. After filing of petition, statutory period of 6 months has been passed.

4. We are satisfied that there is no chance of cohabitation between the parties. They have applied for dissolution of marriage by a decree of divorce by mutual consent and have mentioned the conditions in their application under Section 13-B of the Act. Conditions are not as such against the public policy, therefore, they are considerable and the parties are freely agreeable on those conditions which are as follows :

(i) That, the parties had entered into compromise before the counsellor, mediation center of this Court and have amicably settled on permanent alimony of Rs. 7,75,000/- (Seven Lakh Seventy Five Thousand) in the course of counselling and the amount has been given by the appellant in lieu of cheques bearing No. 336375 of PNB Rajnandgaon for Rs. 4,25,000/- (Four Lakh Twenty Five Thousand) dated 08.07.2015 and cheque No. 6035232 for Rs. 3,50,000/- of Bank of India, Rajnandgaon, dated 08.07.2015 which have been acknowledged by the respondent on 08.07.2015 before the counsellor mediation centre, High Court of C.G., Bilaspur.

(ii) That, in lieu of aforesaid amicable settlement, with the effect of mutual consent, respondent does not want to continue with FA(M) No. 20/2015 challenging decree of judicial separation which was passed by Family Court, Rajnandgaon in Civil Suit No. 4-A/2013 and expresses her desire that this Court may be kind enough to dispose of the said FA(M) as withdrawn.

(iii) That, in lieu of amicable settlement and mutual consent, appellant and respondent do hereby agree that the custody of minor son Suryansh Singh shall remain with respondent alone, being living under her guardianship, since birth and respondent undertakes to look after minor Suryansh Singh, maintaining him with all facilities inclusive his education etc., and she reserves her right to claim maintenance for minor Suryansh Singh. Respondent expresses her wishes voluntarily to not to continue with Cr. Revision No. 92/2015 filed by her against the appellant as pending before this Court.

5. Considering the above facts and circumstances of the case, we are satisfied that the parties are living separately, they are not willing to live together and they have agreed to dissolve their marriage by a decree of divorce through mutual consent on the aforesaid terms and conditions. It is therefore, ordered that marriage between Vashishth Singh and Smt. Nisha Singh solemnized on 26.05.2003 hereby stands dissolved. The appeal is thus disposed of.
6. Registrar (Judicial) is directed to draw up a decree accordingly within 3 days from today.

Sd/-
(Pritinker Diwaker)
JUDGE

Sd/-
(I.S. Uboweja)
JUDGE