

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**First Appeal (M) No.26 of 2014**

- Smt. Shraddha Satpute W/o Ranjit Satpute Aged About 24 Years
R/o Samta Colony, Magarpara, Bilaspur, Tah. And Distt. Bilaspur
C.G.

---- Appellant**Versus**

- Ranjit Satpute S/o Late Chandrabhan Satpute Aged About 30
Years R/o Near Jatia Talab, Omnagar, Jarhabhatha, Bilaspur
C.G.

---- Respondent

For the appellant	:	Smt. Fouzia Mirza, Advocate.
For respondent	:	None present.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**Per Prashant Kumar Mishra, J****22.09.2016**

The present appeal has been filed under Section 19(1) of the Family Court Act, 1984 assailing the order passed by the Family Court, Bilaspur rejecting the appellant's application for grant of divorce.

2. Learned counsel for the appellant would submit that though initially mediation did not succeed, but subsequently, the parties have amicably resolved the dispute and reached to the settlement pursuant to which an application under Section 13B of the Hindu Marriage Act, 1955 (for short 'the Act, 1955') was sought to be moved before the Family Court on 10.8.2016. However, the Family Court informed them that in view of pendency of the present appeal before the High Court, an application under

Section 13B of the Act, 1955 would not be maintainable, therefore, the appellant should approach the High Court.

3. In view of the subsequent development, we have persuaded the appellant to withdraw the appeal while reserving liberty in favour of the appellant to revive the appeal at later stage if appropriate orders are not passed on the application under Section 13B of the Act, 1955 or the parties fail to adhere to the mutual settlement.

4. Let the trial Court consider the application moved by the parties under Section 13B of the Act, 1955 treating the same to have been filed on 10.8.2016. The trial Court shall pass the order on the application immediately on expiry of six months from 10.8.2016.

5. In view of the aforesaid, we permit the appellant to withdraw the present appeal with liberty to revive the appeal as mentioned in the preceding paragraphs.

6. Accordingly, the appeal is disposed of as withdrawn reserving the aforesaid liberty.

Sd/-
(Prashant Kumar Mishra)
JUDGE

Sd/-
(Chandra Bhushan Bajpai)
JUDGE