

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 10 of 2015

- Tarun Kumar Gautam S/o Leela Gautam Aged About 29 Years
R/o Netaji Subhash Road Ramnagar (Near Jahaj Building) Bhilai,
Teh.& Distt Durg (C.G.)

---- Petitioner

Versus

- Smt. Leena Gautam W/o Traun Kumar Gautam Aged About 27
Years R/o Sector 4, Street No. 39, Qr. No. 4/B, Bhilai Nagar,
Tehsil & District Durg (C.G.)

---- Respondent

For Appellant	Mr. Rajesh Jain, Advocate
For Respondent /State	Mr. Anup Majumdar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board by

Prashant Kumar Mishra, J.

4/1/2018

1. Heard.
2. Both the parties are present before the Court today to verify and accord mutual consent to the decree for divorce as claimed in IA No.03, an application for decree of divorce on mutual consent, preferred on 27.6.2017.
3. More than 06 months' have elapsed after moving the said

application. The parties are residing separate since the year 2012 and there is no possibility of their mutual settlement for living together.

4. Although, an independent proceeding under Section 13-B of the Hindu Marriage Act, 1955 (in short "the Act, 1955") was not preferred, however, considering the fact that the application (IA No.3) for divorce on mutual consent is pending for more than 6 months, in the interest of justice, we permit the parties to move this application for grant of divorce by mutual consent, as permissible under Section 13-B of the Act, 1955.
5. Accordingly, IA No.3 is allowed and a decree for divorce on mutual consent is passed to dissolve their marriage solemnized on 17.2.2012.
6. The respondent wife is not claiming maintenance at present because she is employed as Assistant Teacher (Panchayat). However, it shall remain open for the respondent to claim maintenance in future, if any such eventuality arises.
7. The appeal is disposed of in the above stated terms. A decree be drawn accordingly.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Ram Prasanna Sharma)