

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

First Appeal (M) No.92 of 2017

Dr. Anuj Kumar Dubey, S/o Shri R.K. Dubey, aged about 30 years, Occupation Doctor, R/o Kamalpur (Silphili), P.S. Jainagar, Tahsil and District Surajpur, Chhattisgarh

---- Appellant

versus

Smt. Ritu Dubey, W/o Dr. Anuj Dubey, aged about 26 years, Occupation House Wife, R/o Village Vedpura, District Agra (U.P.), Present Address Shri M.L. Sharma, Store Keeper, B.B.M.B. Colony, House No.S/3-55, Sundernagar, District Mandi (Himachal Pradesh)

--- Respondent

For Appellant	:	Shri Vivek Tripathi, Advocate
For Respondent	:	Shri Sunil Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

19.2.2018

1. The appeal is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This appeal has been preferred by the husband/Appellant being aggrieved by the judgment and decree dated 10.4.2017 passed by the 1st Additional District Judge, Surajpur in Civil Suit No.49A of 2014 rejecting the suit preferred by the husband under Section 13 of the Hindu Marriage Act, 1955 (henceforth 'the Act of 1955') for dissolution of marriage with the Respondent/wife.
3. During pendency of this appeal, on 3.5.2017, I.A. No.1 for grant of dissolution of marriage by a decree of divorce between the parties with mutual consent has been filed. As per the order of this Court dated 3.5.2017, statements of the parties have also been recorded by the Registrar (Judicial) in which they have stated that they seek divorce with mutual consent. It has been further stated by both the

parties that the Appellant/husband has given a cheque to the Respondent/wife for a sum of Rupees Nine Lakhs on 3.5.2017 and on the same day he has given her cash of Rupees One Lakh also. Thus, the parties have agreed for divorce with mutual consent on payment of total Rupees Ten Lakhs as permanent alimony. A period of about 9 months have elapsed from the date of recording of the statements of the parties and thus the cooling period of 6 months have elapsed. Both the parties are still seeking divorce with mutual consent.

4. In the premises of aforestated, I.A. No.1 for grant of dissolution of marriage by a decree of divorce between the parties with mutual consent is allowed. The marriage between the parties is dissolved and they are granted divorce. Resultantly, the first appeal stands disposed of.
5. A decree be drawn up accordingly.
6. Record of the Court below be sent back along with a copy of the judgment and decree passed in this appeal forthwith.

Sd/-
(Arvind Singh Chandel)
Judge