

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.452 of 2017

Gunakar Kumar

... .. Appellant/s

Versus

Khushbu Kumari

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Pandey

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

14 15-11-2019 The appellant and sole respondent are present in person before this Court. They have already filed joint petition supported with separate affidavits in view of the order dated 24.07.2019.

By filing joint petition, the appellant and respondent seek mutual divorce under section 13B of Hindu Marriage Act.

The present appeal has been preferred against the judgment dated 28.01.2017 passed by Principal Judge Family Court, Bhagalpur in Matrimonial Case no. 306 of 2014 which was filed by the appellant under section 13 of the Hindu Marriage Act for grant of decree of divorce on the ground of cruelty but the learned Principal Judge dismissed the aforesaid Matrimonial Case no. 306 of 2014 passing the impugned



judgment. Now both the parties want to settle their dispute by way of amicable settlement .

It would appear from the perusal of the record that this court granted some time to both the parties to rethink about the divorce but even then, both the parties, are adamant to seek mutual divorce under section 13 B of the Hindu Marriage Act.

The appellant as well as respondent are present and we asked from them about their desire upon which they replied that they are ready to part their ways.

In the aforesaid circumstance, we have no option except to pass a decree of divorce under section 13B of the Hindu Marriage Act by mutual consent of the parties. Accordingly, the marriage of the parties is dissolved by passing decree of divorce by mutual consent under section 13B of Hindu Marriage Act and the impugned judgment stands modified to the above stated extent. Since the respondent does not claim alimony, we are not passing any order in this regard. The costs of litigation shall be bear by the parties.

Accordingly, this Miscellaneous Appeal stands disposed of.

N.K/-

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)



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