

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No.77 of 2018

Dinesh Sinha S/o Jeevan Lal Sinha Aged About 40 Years R/o 45/17,
Cross Street No.1, Maitri Kunj West, Risali, Tahsil And District Durg,
Chhattisgarh
----Appellant

Versus

Smt. Kalyani Sinha W/o Dinesh Sinha Aged About 31 Years R/o 45/17,
Cross Street No.1, Maitri Kunj West, Risali, Tahsil And District Durg,
Chhattisgarh, At Present Peela Ram Sinha, R/o Village Tarkori, Block
Dhamdha, Tahsil Dhamdha, District Durg, Chhattisgarh, Working Place
At Primary School Bori, Tahsil Dhamdha, District Durg, Chhattisgarh,

--- Respondent

For Appellant	:	Mr. Praveen Dhurandhar, Advocate
For Respondent	:	Mr. G.P. Kurre, Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board by Manindra Mohan Shrivastava, J.

09/12/2019

Heard.

1. Learned counsel for the parties submit and we have also perused the records which show that in mediation proceedings, the parties have settled their dispute amicably in the manner that both would be moving appropriate application for grant of decree of divorce by mutual consent under Section 13(B) of the Hindu Marriage Act.
2. Learned counsel for the parties would submit that for this purpose, the parties would be moving joint application before the jurisdictional Court. They also submit that a direction may be issued to the Court below to waive the cooling off period of six months.
3. Having considered the submission of learned counsel for the parties, this appeal is dismissed, however reserving liberty to the parties to move application under Section 13(B) of the Hindu Marriage Act for grant of decree

of divorce by mutual consent. Taking on record the terms of settlement of the parties as stated in the mediation report dated 18.11.2019 signed by both the parties, their respective counsels as also mediator and the circumstances of the case, we observe that upon submitting application for grant of decree of divorce by mutual consent, learned Family Court shall give due weightage to these circumstances to consider application for waiving the cooling period in view of dictum of the Supreme Court in the case of **Amardeep Singh v. Harveen Kaur, 2017 (8) SCC 746**.

4. Let appellate decree be drawn accordingly.

5. The mediation report shall form part of the decree.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge