

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.40 of 2017

Dr. Sanjay Kumar Singh Son of Late Ram Ballava Singh, Resident of Village - Panhas, P.O. - Suhird Nagar, P.S. - Lohiya Nagar, Begusarai, District - Begusarai.

At present - Gari Khana Khagaul, P.O. and P.S. - Khagaul, District - Patna.

... .. Appellant/s

Versus

Papli Kumari wife of Dr. Sanjay Kumar Singh (D/O Uday Pratap Singh) residing at Village - Panhas in front of Durga Asthan, P.O. - Suhird Nagar, P.S. - Lohiya Nagar, Begusarai, District - Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bal Bhushan Choudhary, Adv.

For the Respondent/s : Mr. Sandip Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

17 26-02-2020 Let I. A. No. 01 of 2020, which has been filed under Order XXIII Rule 3 of the Code of Civil Procedure, be kept on record.

Learned counsel Sri Bal Bhushan Choudhary appears for the appellant, whereas learned counsel Sri Sandip Kumar Gautam appears for the respondent.

Both parties have jointly filed compromise petition which is I. A. No. 01 of 2020 in which terms and conditions of compromise have been averred.

Both the learned counsels submit that this appeal may



be decided on the basis of joint compromise petition.

Both parties by filing joint compromise petition agree to dissolve their marriage by passing a decree of divorce by mutual consent.

The present appeal has been preferred against impugned judgment and decree dated 07.12.2016 passed by learned Principal Judge, Family Court, Begusarai in Divorce Case no. 104 of 2015 by which the matrimonial case filed by the appellant was dismissed. The appellant challenged the aforesaid impugned judgment and decree dated 07.12.2016 by filing the present appeal but during pendency of this appeal, both parties agreed to get their marriage dissolved by mutual consent on the terms and conditions averred in I. A. No. 01 of 2020.

It would appear from perusal of impugned judgment that the marriage of appellant and respondent was solemnized on 17.02.2001 but, subsequently, on various reasons, both parties started living separately and they had no cohabitation since December, 2005. Therefore, the aforesaid facts and circumstances go to show that there is irretrievable breakdown of their marriage.

In view of the aforesaid facts and circumstances, we think it proper to dispose of this appeal on the terms and



conditions averred in I. A. No. 01 of 2020. Accordingly, the impugned judgment and decree dated 07.12.2016 is, hereby, set aside and the marriage of the appellant and respondent is dissolved by passing a decree of divorce by mutual consent. The I. A. No. 01 of 2020 shall be part of the decree.

The concerned office shall prepare the decree in accordance with this order.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Rajeev Kumar/-

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