

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
FAM No. 66 of 2019

- Smt. Garima Mishra W/o Shri Pawan Mishra, Aged About 32 Years R/o Shivanand Nagar Colony, Near Sai Mandir Khamtarai, Police Station Khamtarai, Raipur, Tahsil And District Raipur Chhattisgarh. Present Address - Trimurthy Colony, Mahasamund, Police Station Mahasamund Tahsil And District Mahasamund Chhattisgarh.

---- **Petitioner**

Versus

- Pawan Mishra S/o Dhruv Kumar Mishra, Aged About 33 Years R/o Shivanand Nagar Colony, Near Sai Mandir Khamtarai, Police Station Khamtarai, Raipur Tahsil And District Raipur Chhattisgarh.

---- **Respondent**

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- Shri Gurudev I. Sharan, Advocate for the appellant.
 - Shri Atul Kumar Kesharwani, Advocate for the respondent.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

17.01.2020

Heard.

We have perused the mediation report submitted before us. The parties have entered into compromise and a deed of compromise have also been prepared on 22nd of November, 2019 which is signed by both the parties and their respective counsel.

Learned counsel for the appellant would submit that an application for grant of decree by mutual consent has been filed before this Court and the same may be allowed.

Though in some of the cases, in the peculiar circumstances therein, this Court itself has proceeded to pass a decree of divorce on the basis of mutual consent, in the present case, taking into consideration what has

been stated by the parties in para 2 of their compromise deed, we allow the parties to approach the Family Court to move application for grant of decree by mutual consent. As soon as the application is filed, the learned Family Court shall proceed to decide the case expeditiously. Furthermore, the attention of the Family Court is brought to the law laid down by the Supreme Court in the case ***Amardeep Singh Vs. Harveen Kaur, 2017 (8) SCC 746*** with regard to waiving of cooling period. The Family Court shall take into consideration various terms of compromise entered into between the parties and the mediation report that after detailed deliberation, the parties have decided to part away, which by itself, could be one of the circumstances to waive off cooling period.

As far as possible, the Family Court shall finally dispose off the matter within outer limit of two months from the date of first appearance of both the parties.

This Appeal is dismissed with the liberty given to both the parties to apply for grant of decree by mutual consent.

Records of the lower Court be sent back forthwith.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge