

HIGH COURT OF CHHATTISGARH, BILASPUR
FAM No. 234 of 2019

- Dr. Smt. Renuka Chauhan W/o Deepak Chauhan Aged About 27 Years Occupation Ayush Medical Officer, Govt. Hospital Nagri, District Dhamtari Chhattisgarh. **---- Appellant**

Versus

- Deepak Chauhan S/o Shri A K Chauhan Aged About 29 Years R/o Through Manoj Kumar Dewangan, Barchhapara, Champa, Tahsil Champa, District Janjgir Champa Chhattisgarh.

---- Respondent

For Appellant	: Mr. Roop Naik, Advocate
For Respondent	: Mr. Vijay K. Deshmukh, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

10/02/2020

Heard.

2. As per mediation report and the settlement deed signed by both the parties and the mediator, the parties have settled their dispute in the manner that they have decided to obtain decree of divorce by moving appropriate application under Section 13 (B) of the Hindu Marriage Act.
3. The deed of settlement also deals with other terms that other cases would also be settled and for that, appropriate application proceedings shall be drawn.
4. Learned counsel for the respondent, in view of the settlement between the parties, according to the need of settlement respondent no longer intends to press his application for restitution of conjugal rights.

5. The application for restitution of conjugal rights filed by respondent is therefore dismissed as not pressed. Consequently, the impugned judgment and decree set aside. The suit of the respondent is dismissed.

6. The parties would be at liberty to apply for grant of decree for divorce under Section 13 (B) of the Hindu Marriage Act.

7. Taking into consideration detailed terms and conditions of settlement of the parties and long drawn mediation proceedings, the parties may also pray before the trial Court for waiving cooling period, in view of Supreme Court decision in ***Amardeep Singh Vs. Harveen Kaur, 2017 (8) SCC 746.***

8. In the result, appeal is allowed impugned judgment and decree is set aside an application for restitution of conjugal rights is dismissed as not pressed.

Let appellate decree be drawn accordingly.

A copy of the settlement deed shall form part of the decree.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge