

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 7 of 2020

- Smt. Maheshwari Rajput W/o Shri Durpat Kumar Rajput (Wrongly Mentioned Durpat Rajput) Aged About 29 Years Occupation House Wife , R/o Village Gandhidih, Lormi, Police Station And Tahsil Lormi Civil And Revenue District Mungeli Chhattisgarh. At Present R/o Rajmahal Colony, Kawardha, Police Station And Tahsil Kawardha, Civil And Revenue District : Kawardha (Kabirdham), Chhattisgarh

---- Appellant

Versus

- Durpat Kumar Rajput S/o Shri Ramsakha Rajput Aged About 30 Years Occupation Government Employee, R/o 10 N.H. 12 A Lormi , Police Station And Tahsil Lormi , Civil And Revenue District Mungeli Chhattisgarh, At Present R/o Village Bodala, Near Bus Stand, In Front Of Krishna Mandir , Police Station And Tahsil Bodala, Civil And Revenue District : Kawardha (Kabirdham), Chhattisgarh

--- Respondent

For Appellant : Mr. Paras Mani Shriwas, Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

13/01/2020

1. Heard on admission.
2. This appeal is directed against impugned judgment and decree dated 05.12.2019, passed by the learned Family Court in Civil Suit No.42-A/2019, by which a decree of divorce by mutual consent has been granted.
3. The grounds of challenge are that the decree was passed without counselling and without granting appropriate time of six months to rethink decision of the parties towards dissolution of their marriage. The other ground taken is that the Court below has not passed any order with regard to custody of the minor children nor order with regard to permanent alimony/maintenance has been passed.
4. After going through the impugned judgment, we find that the learned Court below has clearly recorded a finding that the provisions contained in Section 23 of the Hindu Marriage Act were drawn. Further, from the order of the Court below, there is nothing to show that any prayer was made by the parties to

grant six months time. On the contrary, the trial Court was called upon to consider waiver of cooling off period, in view of Supreme Court decision in the case of **Amardeep Singh v. Harveen Kaur, 2017 (8) SCC 746**.

5. The prayer for custody of children and permanent alimony also does not appear to be dealt with by the learned Court below.
6. The grounds which are raised, could be dealt with by the learned Court below, in case, any application for review is made by the appellant on the ground which are being raised in this case.
7. With the liberty to file application for review, this appeal is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Sharad Kumar Gupta)
Judge