

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.737 of 2019

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Shailesh Roushan @ Shailesh Roshan, Son of Upendranath Sharma, Resident of Village- Purshottampur, P.S. Maniyari, District- Muzaffarpur. At present- Shailesh Roushan, C/o- Prashant Gaurav, H/o- Rai Singh, 215A, 4th Floor, Room No. 17, Munrika Village, New Delhi- 110067.

... .. Appellant/s

Versus

Apurva Gautam, Wife of Shailesh Roushan @ Shailesh Roshan, Daughter of Rambabu Tiwari, Resident of Mohalla- Adarsh Nagar, Krishnapuri (Khabra), P.S.- Sadar, District- Muzffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Saket Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-09-2023

In the present appeal, appellant-husband has questioned the validity of the Judgment & decree dated 31.07.2019 and 09.08.2019 respectively, passed by the Principal Judge, Family Court, Muzaffarpur in Matrimonial (Divorce) Case No.150 of 2015 by which his case under Section 13(i)(ia) (vii) of the Hindu Marriage Act, 1955 was dismissed.

2. During pendency of the present appeal, matter was referred to Mediation Centre of this Court on 07.08.2023.



Before the Mediator, respective parties have entered into settlement in the form of agreement on certain terms and conditions. The Mediation Proceeding No. 622 of 2023 arising out of Miscellaneous Appeal No. 737 of 2019 was settled on 08.09.2023 and the memorandum of agreement has been placed on record.

3. In view of these facts and circumstances, Judgment and decree dated 31.07.2019 and 09.08.2019 respectively, passed by the Principal Judge, Family Court, Muzaffarpur in Matrimonial Case No.150 of 2016 stands set aside.

4. Registry is hereby directed to draw the decree in terms of memorandum of agreement before the Patna High Court Mediation Centre in the Mediation Proceeding No. 622 of 2023 arising out of Miscellaneous Appeal No. 737 of 2019.

5. It is made clear that the setting aside of the judgment and decree dated 31.07.2019 and 09.08.2019 would not be a hurdle to Principal Judge, Family Court, Muzaffarpur to entertain mutual petition for divorce under Section 13 (B) of the Hindu Marriage Act, 1955. To this effect, the decree shall be drawn and the memorandum of agreement shall be part and parcel of decree.



6. With the aforesaid observations, the present appeal stands disposed of.

(P. B. Bajanthri, J)

Vikash/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

