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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 10.05.2023

MAT.APP.(F.C.) 42/2023

+ MAT.APP.(F.C.) 42/2023

MUKESH JOSHI Appellant

versus

MANJU LATA JOSHI Respondent

Advocates who appeared in this case:

For the Appellant: Mr. Vivek Singh and Ms. Kirti Mewar, Ms. Stuti Gupta Advocates with appellant in person

For the Respondent: Ms. Shipra Choudhry and Ms. Aashna, Advocates with respondent in person.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Parties are present in person. We have interacted with the parties. It is agreed between the parties that they shall dissolve their marriage by mutual consent.

2. Parties have produced the following Identity proof:

Indian Union Driving Licence
Issued by **Uttar Pradesh**

UP14 20060000487

Issue Date: 13-04-2021 Validity (NT): 13-04-2025 Validity (TR):

Name: **MANJU LATA JOSHI** Holder's Signature: 

Date of Birth: 14-04-1965 Blood Group: B+ VE Organ Donor: ☒

Son/Daughter/Wife of: **MUKESH JOSHI**

Address: **G-2069 GAUR GREEN CITY VAISHAV KHAND
INDRAPURAM GHAZIABAD 201014**

DL No: **UP14 20060000487** UPD, 000005487785

Invalid Carriage (Regn Numbers)*
Hazardous Validity* Hill Validity*

Class of Vehicle	Code	Issued By	Date of Issue	Vehicle Category	Badge Number*	Badge Issued Date*	Badge Issued By*
LMV	UP14	37-12-2004	NT				
MSD							

Emergency Contact Number: 8527944341

Form 7 Aue 16(2)

UP14 GHAZIABAD

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA
पञ्चाल पत्र
IDENTITY CARD

UP1801267230451



निर्वाचक का नाम : मुकेश
Elector's Name : Mukesh

पिता/माता/पति का नाम : प्रभाकर
Father's/Mother's/Husband's Name : Prabhakar

लिंग / Sex : पुरुष Male

1.1.1995 को आयु : 32
Age as on 1.1.1995 :

फा : 150
बस : 150
कम/मोहल : मुरपाड़ा
कमल : मेरठ
जिला : मेरठ
Address :
H.No. : 150
Vill/Mohalla : Moripada
Taluk : Meerut
Dist. : Meerut

निर्वाचक रजिस्ट्रार अधिकाई
के हस्ताक्षर की अनुकूलि
निर्वाचन क्षेत्र 397-मेरठ
Facsimile Signature of
Electoral Registration Officer
for 397-Meerut A.C.

स्थान : मेरठ
Place : Meerut

दिनांक : 01/05/23
Date :

इस पत्र को विभिन्न सरकारी योजनाओं के अन्तर्गत पञ्चाल
पत्र के रूप में प्रयोग किया जा सकता है।
This card can be used as an Identity Card under
different Government Programmes.

3. Respondent, who is present in person, submits that since she is working and she does not have any claim of maintenance or alimony from the appellant. Accordingly, she submits that she waives all her rights for past, present and future maintenance, claim or alimony.

4. Parties undertake that they shall duly file a joint petition of divorce by mutual consent and shall also appear before the concerned Court for recording of their respective statements for dissolving the marriage by mutual consent.

5. The undertaking of the parties is accepted. Parties are bound down to the statement given to the Court.

6. Learned counsel for the parties pray that the impugned judgment dated 14.09.2006 be set aside and the petition for grant of divorce be permitted to be amended to a petition for grant of divorce under Section 13(B) (1) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act').

7. In view of the settlement between the parties and their undertakings, impugned Judgment dated 14.09.2006 is set aside. The petition is restored to its original number. On the oral prayer of the parties, the petition is also permitted to be amended into a petition for grant of divorce under Section 13(B) (1) of the Act.

8. Parties shall appear before the Family Court for filing the joint amended petition and for recording of the statement of the parties on 24th May, 2023.

9. On an application being filed, the Family Court shall take into account the fact that the parties have been living separately for over twenty years and, have been litigating and, the subject petition was filed on 05.03.2001 and there has been no resumption of cohabitation and accordingly grant waiver of the statutory period of six months as stipulated under Section 13(B)(2) of the Act. Parties shall thereafter file the second motion petition for obtaining divorce by mutual consent.

10. The appeal is disposed of in the above terms.

11. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

MAY 10, 2023/swati