

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.37 of 2025

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Santoshi Kumari Wife of Gulshan Kumar Singh @ Gulshan Kumar, D/o
Vijendra Singh @ Munna Singh, Resident of Village- Tendua, P.O.- Nonsari,
P.S.- Kargahar, District- Rohtas.

... .. Appellant/s

Versus

Gulshan Kumar Singh @ Gulshan Kumar Son of Bashistt Munni Singh,
Resident of Village- Khakhra, P.O.- Mujaaradh, P.S.- Kargahar, District-
Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad, Advocate

For the Respondent/s : Mr. Bipin Kumar Deo, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

4 19-09-2025 The instant appeal is barred by 142 days.

2. The appellant has filed an application for
condonation of delay.

3. We have heard the learned counsels for the
appellant and respondent.

4. Having heard the learned counsels and on perusal
of the grounds mentioned in the application, we are of the view
that the appellant is able to establish sufficient cause as to why
she was prevented from filing the appeal within time.

5. Accordingly, the delay is condoned.

6. The instant appeal is taken up for hearing on the
point of admission.

7. This is an appeal challenging an order of dismissal of Matrimonial Case No. 260 of 2024 filed by both the parties under Section 13-B of the Hindu Marriage Act by virtue of an order dated 19.07.2024, in the Court of learned Principal Judge, Rohats at Sasaram.

8. The appeal was dismissed at the time of admission on the ground that the application under Section 13-B of the Hindu Marriage Act was filed before the expiry of one year of marriage. However, in the application under Section 13-B of the Hindu Marriage act, both the parties stated that there marriage was solemnized on 06.05.2023 and the application for dissolution of marriage on mutual consent was filed on 10.06.2024.

9. What weighs for the Trial Court to dismiss the case is that the parties approached the Trial Court to dispose of the application under Section 13-B on 19.07.2024 without waiting for the cooling period of six months. No special circumstance was made out for early disposal of the above numbered matrimonial case.

10. It is not in dispute that the application under Section 13-B of the Hindu Marriage Act was filed after the expiry of one year of marriage.

11. The second party has already paid Rs. 8 lakhs to the first party,wife, as full and final settlement towards alimony.

12. The cooling period of six months has already expired during the pendency of this appeal.

13. Therefore, we are of the view that this is a fit case where decree for divorce on mutual consent can be passed.

14. Accordingly, the instant appeal is allowed.

15. Marriage between Santoshi Kumari and Gulshan Kumar Singh @ Gulshan Kumar solemnized on 06.05.2023 is dissolved by mutual consent on the basis of their application dated 10.06.2024.

(Bibek Chaudhuri, J.)

(Dr. Anshuman, J.)

Jyoti Kumari/-

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