IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No.1086 of 2026
Date of Decision: 06.10.2026

Meena Kumari **.....Appellant**

Versus

Mukesh Kumar **.....Respondent**

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge
Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?

For the appellant: Mr. Sahil Thakur, Advocate.

For the respondent: None.

Ajay Mohan Goel, J. *(Oral)*

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By way of this application, a prayer has been made for condonation of 167 days delay in filing the appeal.

2. Having heard learned counsel for the applicant-appellant and having perused the averments made in the application, as this Court is satisfied that delay in filing the appeal is *bona fide,* not intentional and substantive, this application is allowed, as prayed for. Delay of 167 days in filing the appeal is condoned. The application stands disposed of accordingly.

3. Be registered.

4. By way of this appeal, the appellant has assailed the judgment passed by the learned Court below dated 09.01.2026, in terms whereof the petition preferred by the present petitioner under Section 13-B of the Hindu Marriage Act for the dissolution of marriage by a decree of divorce with mutual consent was allowed.

5. Learned counsel for the appellant submitted that the reason which has led to the filing of this appeal is that, though this fact neither stood recorded in the statement of the appellant, or otherwise in the order passed by the learned Court below in the divorce petition, but there was an understanding entered into between the parties, in terms whereof the respondent was to return the *stridhan* of the appellant, which has not been returned.

6. Having heard learned counsel for the appellant, we are of the considered view that as the petition has been allowed by the learned Court below in light of the mutual consent given by the parties before the learned Court below on 09.01.2026, no appeal against the same can be filed on the grounds which have been urged in the grounds of appeal.

7. Faced with this situation, learned counsel for the appellant, on instructions, submits that the appellant be allowed to withdraw the appeal with liberty to avail such remedy qua the issues raised in this appeal, as may be permissible in law. Appeal is allowed to be withdrawn with liberty as prayed for.

(Ajay Mohan Goel),
Judge

(Yogesh Jaswal),
Judge

October 06, 2026
Rajeev Raturi