

Sanjay Vs Deepak @ Ritika

Court: Chhattisgarh High Court

Date of Decision: Feb. 8, 2018

Acts Referred: Hindu Marriage Act, 1955 " Section 9, 13(1)(ia), 28

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Raghvendra Pradhan, Arvind Shrivastava

Final Decision: Disposed Of

Judgement

Arvind Singh Chandel, J

1. By the instant appeal preferred under Section 28 of the Hindu Marriage Act, 1955 (henceforth 'the Act of 1955'), the Appellant/husband has

challenged the legality and propriety of the judgment and decree dated 28.7.2014 passed by the Additional District Judge, Sarangarh, District Raigarh

in Civil Suit No.14-A of 2014 dismissing his suit moved under Section 13(1)(ia) of the Act of 1955.

2. During pendency of this appeal, both the parties jointly filed an application dated 6.10.2017 for grant of a decree of divorce on the ground of their

mutual consent. As per order of this Court dated 23.10.2017, the Additional Registrar (Judicial) has recorded their statements on the count of divorce

by mutual consent. As per their statements of mutual consent, the parties have already resolved their all the disputes and the Appellant/husband, as an

outcome of the resolution concluded between them, had given the Respondent/wife a sum of Rupees Two Lakhs on 25.9.2017 and the remaining sum

of Rupees Two Lakhs on 27.10.2017, total Rupees Four Lakhs as the permanent alimony.

3. The Appellant/husband has preferred another appeal before this Court, being First Appeal (M) No.78 of 2014 challenging the judgment and decree

dated 28.7.2014 passed by the Additional District Judge, Sarangarh, District Raigarh in Civil Suit No.15-A of 2014 allowing the application moved by

the Respondent/wife under Section 9 of the Act of 1955. In First Appeal (M) No.78 of 2014, vide order dated 23.2.2016, the effect and operation of

the impugned judgment and decree dated 28.7.2014 was stayed until further orders. Thus, it is clear that since there was a stay order, therefore, after

23.2.2016, the parties did not live together till date.

4. In the premises of aforestated, the instant appeal stands disposed of and the marriage between the parties is accordingly dissolved.

5. A decree be drawn up accordingly.

6. Record of the Court below be sent back along with a copy of the judgment and decree passed in this appeal forthwith.