

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 130 of 2017

Pinki Devi

.....Appellant

Vrs.

Pappu Hari

..... Respondent

.....

CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Appellant : Mr. Pratiush Lala

For the Respondent : M/s Binod Kr. Jha, Jitendra Kumar

08/30.04.2018 Heard learned counsel for the parties.

2. The Appellant Wife being aggrieved by the dismissal of the Title Matrimonial Suit No. 238 of 2013 instituted by her seeking dissolution of the marriage on the ground of desertion, by the impugned judgment dated 09.04.2015 passed by the learned Principal Judge, Family Court, Dhanbad, has preferred the instant appeal.

3. During the pendency of the appeal parties were sent for exploring the possibility of amicable settlement before the appeal can be decided on merits. During the course of mediation, parties have come to a settlement to dissolve their marriage through mutual consent. Report of the learned Mediator, JHALSA bearing no. 865 dated 19.04.2018 at Flag-X also encloses the terms and conditions of the settlement jointly signed by the parties. As per the terms of the agreement, both of them would file petition for divorce through mutual consent under Section 13(B) of the Hindu Marriage Act before the learned Family Court; in the light of the compromise, after filing of the divorce petition by mutual consent, petitioner would withdraw the case under Section 498(A) of the I.P.C, which is pending before this Court; respondent husband is a daily wage worker and has a very low earning and is unable to pay any alimony, the appellant wife has agreed to that; in the light of the compromise and after the above settlement, both are free to live according to their own wishes. Both of them have settled their disputes at their own sweet will and if any party breaches the conditions of settlement, the other party would be free to go to court for relief; the above settlements have been arrived at between the parties at their sweet will and without any undue influence. The terms and conditions as jointly signed by parties dated 21.03.2018 is enclosed to the report of the learned Mediator, JHALSA at Flag-X.

4. Learned counsel for the parties submits that appeal may be disposed of in the light of terms of the compromise. Learned counsel further submit that in the light of the terms arrived at between the parties to dissolve their marriage under Section 13(B) of the Hindu Marriage Act, 1955, the cooling off period can also be waived by the learned Family Court in terms of the judgment rendered by the Hon'ble Apex Court in the case of *Amardeep Singh Vrs. Harveen Kaur* reported

in *(2017) 8 SCC 746*.

5. On consideration of the aforesaid development that have taken place during pendency of the appeal and the fact that parties have agreed to dissolve their marriage with mutual consent, there is no point in keeping the appeal pending for adjudication on merits. Accordingly, the appeal stands disposed of in terms of settlement arrived at between the parties. Terms of settlement dated 21.03.2018 shall form part of the decree.

(Aparesh Kumar Singh, J.)

(Ratnaker Bhengra, J.)

A.Mohanty