

Chetan Mehta Vs. Tulika Mehta

Chetan Mehta Vs. Tulika Mehta

SooperKanoon Citation : sooperkanoon.com/1172093

Court : Delhi

Decided On : Nov-27-2014

Judge : Sunil Gaur

Appellant : Chetan Mehta

Respondent : Tulika Mehta

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision: November 27, 2014 + MAT.APP. 16/2014 CHETAN MEHTA Through: Appellant Mr. Hasan Anzar, Advocate versus TULIKA MEHTA Through: Respondent Mr. Osama Suhail, Advocate CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL) % MAT.APP. 16/2014 & C.M. No.18780/2014 (under Order 41 Rule 27 read with Section 151 CPC) On the last date of hearing, learned counsel for parties had submitted that parties are residing abroad and had to leave country on that day itself and so, on their oral request, the parties were permitted to file joint application for additional evidence along with proof of their identity and their residence. The passport of parties were shown to this Court and time was sought to obtain certified copy of the marriage certificate and place it on record. The aforesaid certified copy of marriage certificate now filed by the parties is taken on record. Trial court vide impugned judgment of 5 th December, 2012 had MAT.APP No.16/2014 Page 1 dismissed the second joint petition for divorce by mutual

consent while noting that the marriage certificate is not on record and the identity proof of parties are also not forthcoming. The above referred infirmities have been now cured by the parties by placing on record their identity proofs and certified copy of marriage certificate in question. A bare perusal of the trial court record reveals that joint statement of parties was recorded on 12th December, 2011. Since the supporting documents have been now placed on record, therefore, there is no impediment to accept the second motion petition for divorce by mutual consent. Accordingly, this appeal is allowed and impugned judgment is set aside and second motion joint petition of parties under Section 13 B (2) of The Hindu Marriage Act, 1955 is accepted on the basis of joint statement of parties of 12th December, 2011 recorded before the trial court and the documents now placed on record. This appeal and application are accordingly disposed of. (SUNIL GAUR) JUDGE NOVEMBER27 2014 r MAT.APP No.16/2014 Page 2

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com