

Gopal Vs. Manju

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Court : Madhya Pradesh

Decided On : Apr-15-1993

Reported in : II(1993)DMC395

Judge : A.R. Tiwari, J.

Acts : [Hindu Marriage Act, 1955](#) - Sections 13(1) and 287; [Limitation Act, 1963](#) - Sections 5

Appeal No. : First Appeal No. 118 of 1992

Appellant : Gopal

Respondent : Manju

Advocate for Def. : J.W. Mahajan and ;R.P.C. Sanghi, Adv.

Advocate for Pet/Ap. : Champalal Yadav, Adv.

Disposition : Appeal dismissed

Judgement :

A.R. Tiwari, J.

1. The appellant-husband had filed a petition seeking relief of divorce Under Section 13(1) of the Hindu Marriage Act in the Court of Additional Judge to the Court of the District Judge, Indore. This petition was registered as Hindu Marriage

Case No. 343 of 1991. By order dated 12-3-92, this petition was, however, dismissed on the linchpin of the conclusion that grounds of cruelty and desertion as alleged, were not established. Against this judgment, the appellant has preferred this appeal. This appeal, was, however, barred by time to the extent of 82 days. A separate application Under Section 5 of the Limitation Act, supported by an affidavit was also filed. The condonation was prayed and as attempt was made to explain this delay on the ground that parties were during that period seriously engaged in the efforts towards reconciliation.

2. By order dated 7-8-92 a show cause notice against admission of this appeal as well as against the application Under Section 5 of the Limitation Act were directed to be issued to the respondent. Later by order dated 21-1-93, orders were also passed for keeping the parties present in the Court for the purpose of making efforts at reconciliation between them.

3. Parties are present today in preson. They appear to be educated and matured persons. On explaining the object behind presence and proceedings of reconciliation, the parties saw enough light and opted to discuss matter between themselves with a surge of an urge to iron out their differences which appeared to be resting on the fulcrum of clash of ego rather than any irreconcilable discord. After this exercise, the parties bearing smile on their faces reported back to submit that the matter has been finally settled and as such there existed no cause to seek relief of divorce. They desired and decided to live hereafter comfortably and demonstrated an urge to say good bye to the litigations of this nature.

4. In these circumstances, the appellant expressed his desire not to press this appeal. The appeal is, accordingly dismissed as not pressed. Parties shall bear their own costs of this appeal as incurred.

5. I am happy to place on record my appreciation of the sincere efforts made by the parties as also by their respective Counsels towards the settlement of this issue.

6. Undoubtedly, such matters entail a human problem rather than a legal problem as such.

7. In the circumstances, while anesthetizing matter I part with the case with pious hope that the parties shall now open a new chapter in their life to bury the bitter feelings for all time to come and shall stop worrying and start living in peace and harmony proving real worth of their life partnership which is never intended to be one at will.

8. The appeal is consequently dismissed.

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