

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4637 OF 2008
(Arising out of S.L.P. (C) No.7604 of 2008)

Sapna Rani

...Appellant(s)

Versus

Pankaj Singla

...Respondent(s)

O R D E R

Heard learned counsel appearing on behalf of the petitioner and the respondent, who has appeared in-person.

Though the petition was placed under the heading “Incomplete After Notice Matters”, but both the parties agreed that the matter should be taken up for hearing and finally disposed of.

Leave granted.

It appears that a petition under Section 13-B of the Hindu Marriage Act, 1955 [for short, ‘the Act’] was filed before the Trial Court to grant mutual consent divorce decree but as, at the second motion stage, husband did not appear, divorce decree could not be granted and the petition for divorce was dismissed. The said order has been confirmed by the High Court. Hence, this appeal by special leave by the wife.

....2/-

Both the husband and wife are present in court. The wife is represented by counsel, whereas the husband is appearing in-person. The husband stated that he still maintains his stand which he had taken in the petition under Section 13-B of the Act to grant mutual consent divorce decree. The wife, who is also present in court, while agreeing to grant divorce decree, stated that she does not want any amount towards permanent alimony. In view of this, in our view, it is a fit case to set aside the impugned orders and grant mutual consent decree for divorce.

Accordingly, the appeal is allowed, impugned orders are set aside and mutual consent divorce decree is granted.

No costs.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
July 25, 2008.