

A

PRAMILA

v.

RAMESHWAR AND ANR.

NOVEMBER 3, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Hindu Marriage Act, 1955.

C

S.13-B—Divorce by mutual consent—At the instance of the Court, parties agreeing to settle the dispute on husband paying wife Rs. 700 per month—Decree of divorce by mutual consent to be effective from date of judgment of lower appellate Court.

D

In the present appeal by special leave arising out of the proceedings under S.13-B of the Hindu Marriage Act, 1955, the parties agreed to settle the dispute on the suggestions given by this Court.

Disposing of the appeal filed by the wife, this Court

E

HELD : Respondent No. 1 would pay to appellant a sum of Rs. 700 (Rupees Seven hundred) per month starting from November 1, 1995 on or before 5th of every succeeding month. All the pending proceedings between the parties stand closed. There shall be a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 with effect from the date of the judgment of the lower appellate Court, i.e., from December 22, 1989. [769-B]

F

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 10261 of 1995.

From the Judgment and Order dated 8.8.90 of the Bombay High Court in Second Appeal No. 171 of 1990.

G

A.M. Khanwilkar and Mrs. V.D. Khanna for the Appellant.

V.C. Daga and Mrs. Vrinda Dhar for the Respondents.

The following Order of the Court was delivered :

H

Leave granted.

We have heard learned counsel for the parties, they agreed across A
the Bar, at the suggestion of the Court , that respondent No. 1 would pay
to the appellant a sum of Rs. 700 (Rupees seven hundred) per month
starting from November 1, 1995 on or before 5th of every succeeding
month. All the pending proceedings between the parties stand closed.
There shall be a decree of divorce by mutual consent under Section 13-B B
of the Hindu Marriage Act, 1956, with effect from the date of the Judgment
of the lower appellate Court, i.e., from December 22, 1989. In case the
respondents commit any default in payment of alimony the appellant would
be at liberty to have it recovered by arrest and detention in prison.

The appeal is disposed of accordingly. No costs.

R.P.

Appeal disposed of.