

Radha

Vs

Mohinder Kumar

Civil Appeal No. 7362 of 1995

(M. M. Punchi, Sujata V. Manohar JJ)

20.03.1996

ORDER

1. The judgment and decree under appeal relates to the annulment of the marriage tie between the parties. It is the husband who was successful in obtaining it. Now, the wife is in appeal before us. The parties have entered into a compromise; the terms whereof have been put on record in writing. In terms therewith, the parties have desired that the marriage between them may be kept dissolved but not on annulment and instead by "mutual consent" effective from the date of the High Court judgment, i.e., 29-7-1994. Such request, in the facts and circumstances, appears to us to be reasonable. We, therefore, substitute the order of the High Court as if from the date of its judgment, the marriage between the parties stood dissolved by a decree of divorce upon mutual consent.
2. The second term in the deed of compromise relates to the settlement of permanent alimony. Let those terms be observed as agreed upon between the parties.
3. The third term relates to the steps which the parties expect each other to take in order to bring this litigation to an end. Let those steps be also taken, as envisaged.
4. The appeal thus stands allowed in terms of the aforesaid "deed of compromise".
5. No costs.