

Sandhya M. Khandelwal

Vs

Manoj M. Khandelwal

Transfer Petition (C) No. 21 of 1997

(G. B. Pattanaik, G. N. Ray JJ)

06.02.1998

ORDER

1. During the pendency of this Transfer Petition No. 21 of 1997 before this Court, both the parties have tried to settle their disputes and it is stated by the learned counsel for both the parties that the parties have settled their disputes mutually and a joint petition incorporating the terms of the settlement has been filed before this Court. The parties are also personally present in court today. Both the parties have also filed affidavits in support of the application containing the terms of the settlement. It has been indicated in the said terms of settlement that such settlement has been arrived at voluntarily and keeping in mind the interests of both the parties and the minor son. It appears to us that the terms of settlement are beneficial to the interests of both the parties and also the interests of the minor son. A prayer has also been made before us as contained in the terms of settlement that the divorce petition bearing Case No. 134 of 1996 pending before the Family Court at Ajmer may be treated as a divorce petition by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 and a decree of divorce be granted. As it appears to us that in the facts of the case, such decree of divorce will be beneficial to the interests of both the parties, we direct for a decree of divorce by treating the pending application as an application made under Section 13-B of the Hindu Marriage Act, 1955.

2. The transfer petition stands disposed of in terms of the settlement arrived at between the parties and the terms of the settlement affirmed by both the parties will form part of this order.