

IN THE HIGH COURT OF JHARKHAND AT RANCHI

First Appeal No. 344 of 2018

Dr. Alok Kumar --- --- Appellant
Versus
Smt. Gargi Kumari --- --- Respondent

**With
First Appeal No. 415 of 2018**

Mrs. Gargi Kumari --- --- Appellant
Versus
Dr. Alok Kumar --- --- Respondent

**With
First Appeal No. 416 of 2018**

Mrs. Gargi Kumari --- --- Appellant
Versus
Dr. Alok Kumar --- --- Respondent

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**
Hon'ble Mrs. Justice Anubha Rawat Choudhary
Through: Video Conferencing

For the Appellant: Mr. A.K. Sahani, Advocate
(F.A. No. 344/2018)
For the Appellant: Mr. Jai Shankar Tiwari, Advocate
(F.A. No. 415/2018 &
F.A. No. 416/2018)
For the Respondent: Mr. Jai Shankar Tiwari, Advocate
(F.A. No. 344/2018)
For the Respondent: Mr. A.K. Sahani, Advocate
(F.A. No. 415/2018 &
416/2018)

09/ 30.06.2020 Learned counsel Mr. Ashim Kumar Sahani appears for the appellant-husband in F.A. No. 344/2018 and Respondent in other two connected appeals arising out of the common impugned judgment dated 16.08.2018 passed in Original Suit No. 204/2013 by the Court of learned Principal Judge, Family Court, Ranchi. Learned counsel Mr. Jai Shankar Tiwari appears for the Respondent-wife in First Appeal No. 344/2018 and appellant in other two connected appeals.

2. Husband is aggrieved by non-grant of decree of divorce as learned Court has only granted judicial separation. Aggrieved wife has preferred two other appeals because of dismissal of her suit for restitution of conjugal rights under section 9 of Hindu Marriage Act, 1955 and also decree of judicial separation granted in favour of the husband.

3. F.A. No. 415/2018 suffers from a delay of 31 days, for condonation of which, I.A. No. 8601/2019 has been preferred, while F.A. No. 416/2018 suffers from a delay of 28 days, for condonation of which, I.A. No. 8602/2019 has been preferred.

2.

4. Heard learned counsel for the parties on the point of condonation of delay. All these three appeals arise out of common impugned judgment passed in Original Suit preferred by the husband as also the wife. Having considered the reasons explained in the two interlocutory applications and the fact that respective spouses have preferred appeals being aggrieved by the common impugned judgment and the delay being minor, it would be in the interest of justice to condone the delay. Delay is accordingly condoned. Both I.A. stands disposed of.

5. Learned counsels for the parties agree that efforts can be made for amicable settlement of the dispute through mediation before adjudication on merits. Both the parties come from Ranchi itself. Therefore, parties are directed to appear before the learned Member Secretary, JHALSA on 07th July 2020 at 11.00 am. On their appearance, matter be placed before the learned Mediator, JHALSA for mediation. Parties are expected to cooperate in the mediation proceedings and attend each of the sittings. If they are able to arrive at an amicable settlement, terms and conditions thereof be jointly reduced in writing under their signature and be submitted along with the report after four weeks from 7th July 2020.

6. Learned counsel for the wife submits that maintenance amount awarded under the impugned judgment is not being paid in full and regularly. He would file an affidavit to that effect within two weeks. Learned counsels for the husband is allowed time to file his reply thereto.

7. Matter be listed after five weeks along with the report and affidavits of the respective parties on the issue of payment of maintenance amount.

(Aparesh Kumar Singh, J)

(Anubha Rawat Choudhary, J)