



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Miscellaneous Appeal No. 2217/2024

Goverdhan Tanwar S/o Sh. Kishan Lal, Aged About 36 Years, B/c
Mali, R/o Choutina Kuan, Dhuri Bai Haweli Ke Pas, Bikaner, Tehsil
And Dist. Bikaner (Raj.) At Present R/o Village Rol, Tehsil Jayal,
Dist. Nagaur (Raj.)

----Appellant

Versus

Smt. Madhu Tanwar W/o Goverdhan Tanwar, Aged About 31
Years, D/o Shri Sukhdev Singh Bhati, R/o House No. 44,
Indraprasth, Karninagar, Bikaner, Tehsil And Dist. Bikaner (Raj.)

----Respondent

For Appellant(s)	:	Mr. Raghvendra Mundel
For Respondent(s)	:	Mr. Anil Kumar Singh Mr. Abhyudai Singh

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL**

Order(Oral)

28/04/2026

Per: Arun Monga, J.

1. The present appeal has been filed against the judgment and decree dated 18.03.2024, passed by the learned Family Court No.2, Bikaner, whereby the divorce petition filed by the present appellant under Section 13(1), (1a) and (1b) of the Hindu Marriage Act, 1955 (hereinafter 'HMA'), seeking dissolution of marriage was dismissed.

2. During pendency of the appellate proceedings, parties resorted to the mediation proceedings and as per the learned Mediator's report dated 03.02.2026, mediation has been

successful as the parties have decided to amicably part ways.

Mediation report is reproduced hereunder:-

"Both parties Mr. Goverdhan and Mrs. Madhu have agreed that they shall settle the dispute and live separate peacefully. Mr. Goverdhan has agreed to pay Rs.12.50 lacs as full and final amount amount of which a fdr of Rs.8 lacs will be prepared in favour of son Chirag which cannot be encashed till him attaining age of 18 years. Remaining Rs.4.5 lacs will be used by Mrs. Madhu for her personal use. The parties have agreed that Mr. Goverdhan will have visitation rights with his son Chirag in presence and convenience of Mrs. Madhu. All the claims and due are settled herein and none of parties will claim any amount with each other except abovementioned Rs.12.5 lacs. Hence, mediation is successful."

3. The learned counsel for the appellant submits that pursuant to the settlement arrived between the parties, a demand draft of Rs.4,20,000/- has been made in favour of the respondent-wife and another demand draft of Rs. 8,00,000/- has been made in favour of son, Chirag by the appellant which has been handed in course of the hearing to learned counsel for the respondent.

4. Both the learned counsels submit that in view of the compromise, the parties shall take appropriate steps for dissolution of their marriage on the ground of mutual consent by filing a petition under Section 13-B of HMA, before the competent Family Court. They also submit that in view of the compromise, the respondent does not wish to contest the appeal.

5. Accordingly, on joint consent, appeal is allowed. Consequently, the impugned judgment and decree dated 18.03.2024, is set aside with liberty to the parties to file appropriate petition under Section 13B, *ibid*, before the competent Family Court for dissolution of marriage by mutual consent.

6. Given that parties have been at *lis* for the past 4 years and have also been trying to settle the matter through mediation etc., learned Family Court shall pass appropriate orders to waive-off the

cooling period of 6 months upon an application, if filed by parties jointly, seeking such indulgence.

7. All pending applications also stand disposed of.

(SUNIL BENIWAL), J

(ARUN MONGA), J

267-ajayS/-