

Supreme Court of India

Madhuri Mehta vs Meet Verma on 7 May, 1997

Equivalent citations: JT 1998 (9) SC 270, (1997) 11 SCC 81

Bench: M Punchhi, S Majmudar

ORDER

1. During the course of hearing of this transfer petition, parties have jointly made an application under Section 13B of the Hindu Marriage Act, 1955 before us praying for dissolution of their marriage by mutual consent and in the body of the application a provision has been made for their only child. Though the child has been conferred the right to visit his father as and when he likes, there is no corresponding right with the father to visit his child. That state of affairs would be violating the rights of the child and the father. The husband will, thus, have a right of visitation to see his child but after giving due intimation to the mother. The parties have been estranged and have kept apart since January 1996. Earlier to the present status, the parties had their earlier marriages broken or disrupted. The husband lost his wife in a vehicular accident and the wife had divorced her earlier husband. In this background their differences can well be appreciated when both of them are highly educated doctors. Keeping that in view, we entertain this application and grant them divorce by mutual consent in exercise of our powers under Article 142 of the Constitution, for which there is ample authority reflective from past decisions of this Court. The divorce petition pending in the Family Court at Patna, shall stand disposed of automatically by this order.

2. The transfer petition and the divorce petition are disposed of accordingly.