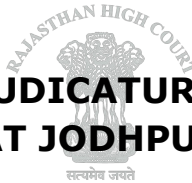




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



D.B. Civil Miscellaneous Appeal No. 3400/2024
CNR: RJHC011008202024 | URN: CMA / 8674U / 2024



-----Appellant

Versus

-----Respondent

For Appellant(s) : Mr. Rakesh Matoria
Ms. Tamanna Trivedi
For Respondent(s) : Mr. Durgesh Khatri

**HON'BLE MR. JUSTICE UMA SHANKER VYAS
HON'BLE MR. JUSTICE SAMEER JAIN**

JUDGMENT

REPORTABLE

15/09/2026

Per Hon'ble Justice Sameer Jain

"Marriage, in the Hindu mythology has never been regarded as a mere contract between two individuals; it is a sacred sacrament, a sanskara, in which two souls undertake to walk together through the journey of life. Our ancient traditions have beautifully symbolised this eternal companionship through Shiva and Parvati, whose relationship represents not merely love, but the harmony of two complementary forces, Shiva-Shakti. Their union reminds us that even after periods of separation and penance, the bond of love and companionship can find its way back to togetherness.



Life, however, is not bereft of storms, and a matrimonial relationship too may pass through moments of discord, hurt and misunderstanding. Yet, where the parties themselves have found the wisdom to rise above their differences and the courage to reconcile, it is never too late to mend their ways, heal the wounds of the past and begin afresh. The story of Nala and Damayanti from the time of Mahabharata epic too bears testimony to the enduring strength of matrimonial commitment. Their lives were not untouched by adversity; circumstances separated them and tested the very foundations of their relationship, yet their love and faith ultimately brought them together again. Such timeless narratives remind us that a temporary separation need not become a permanent end where the hearts of the parties still seek reunion.

*After all, reconciliation is not a surrender to the past; it is a conscious choice to give the future another chance. **Where two persons, after traversing the difficult path of discord, voluntarily choose to walk together once again, the law should, wherever permissible, facilitate that journey towards peace and restoration.***

1. Both the parties have personally marked their presence before this Court and have been duly identified by their respective learned counsel.
2. Learned counsel appearing for the parties have submitted that the present appeal has been preferred under Section 28 of the Hindu Marriage Act, 1955 read with Section 19 of the Family Courts Act, 1984, assailing the judgment and decree dated 30.11.2024, whereby the divorce petition preferred by the



respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 was allowed and the marriage solemnized between the parties on 23.10.2015 was dissolved.

3. It is borne out from the record that, during the pendency of the present proceedings, the matter was referred to the Mediation Centre on 29.01.2026. However, the mediation proceedings could not culminate in a settlement and were accordingly unsuccessful. Nevertheless, the efforts towards reconciliation did not come to an end there. During the course of proceedings before this Court, upon persuasion by the Court and through mutual discussions between the husband and wife, the parties have themselves arrived at a mutual understanding and have settled their disputes.

4. The parties present in person have jointly submitted that having reconsidered the disputes which had arisen between them, they have now consciously decided to put an end to their differences and restore their matrimonial relationship. The parties have further submitted that their decision is being taken voluntarily, with full understanding of its consequences, and without any coercion, undue influence or pressure from any quarter. The parties have particularly placed emphasis upon the welfare and future of their minor daughter. They have expressed their desire that, instead of allowing their past disputes to continue to govern their future, they may rebuild their family life together and provide to their minor child the affection, care, companionship and emotional security of both her parents. In the backdrop of the aforesaid development, the respective sides have jointly prayed that the decree of divorce dated 30.11.2024 be set





aside and the matrimonial relationship between the parties be restored.

5. Learned counsel for the parties have placed reliance upon the judgment rendered by a Co-ordinate Bench of this Court in **Kamlesh Devi Vs. Vijay Kumar Soni, D.B. Civil Misc. Appeal No.2534/2019**, decided on 28.09.2020, and have submitted that, in view of the subsequent settlement arrived at between the parties and their unequivocal consent to resume their matrimonial life, the decree of divorce may be set aside and the marriage may be restored.

6. This Court has given its thoughtful consideration to the submissions made by the learned counsel for the parties and has also interacted with the parties who are present in person before the Court.

7. At the outset, it is stoutly opined that the welfare of a child is best served when differences between the parents are replaced by understanding, responsibility and mutual respect. Matrimonial disputes, though at times deeply personal and emotionally charged, ought not to become an irreversible barrier where the parties themselves, after due deliberation, have found a path towards reconciliation.

8. The circumstances of the present case disclose a significant change in the position which existed at the time when the decree of divorce was passed. The parties, after the passing of the decree, have consciously chosen to enter into a settlement and have expressed their understanding that they wish to restore their family, put their past disputes behind them and make a fresh beginning. Their decision is further founded upon their common





desire to act in the best interest of their minor child and to provide her a stable and harmonious family environment.

9. The Court is mindful of the fact that a matrimonial relationship is not merely a legal bond between two individuals. It carries with it emotional, familial and social dimensions, and where the parties themselves have, after mature consideration, expressed their willingness to resume their matrimonial life, the Court must, wherever the law permits, give due weight to such subsequent development. It is also significant that the dispute between the parties is essentially personal and matrimonial in nature, confined to the parties themselves, with no element of any larger public consequence or third-party right being involved. The grievance which had once led to the dissolution of their marriage was a matter essentially *inter se* the husband and wife.

10. Having regard to the subsequent events, the parties have themselves chosen to put an end to that dispute and have unequivocally expressed their desire to restore their matrimonial relationship. Once the very persons between whom the dispute arose have, with full understanding and free consent, decided to bury their differences and resume their matrimonial life, continuation of litigation merely for the sake of adjudicating a dispute which the parties themselves no longer seek to pursue would serve little purpose. The Court, while administering justice, cannot lose sight of the fact that matrimonial litigation concerns not merely competing legal claims, but human relationships and the lives of families. Where the parties themselves have found a path from discord to reconciliation, the law should, wherever permissible, facilitate peace rather than perpetuate conflict.



11. Withal, Hon'ble Supreme Court vide a catena of judgments has repeatedly emphasized that matrimonial litigation should not become an end in itself and that, wherever there remains a possibility of reconciliation and restoration of the family, the same deserves to be given due consideration. The essence of matrimonial adjudication is not merely to determine the existence of a legal wrong, but, wherever circumstances permit, to facilitate a just and humane resolution of the dispute.

12. In the present case, the parties have themselves chosen reconciliation over continued litigation. They have jointly expressed their intention to live together, to forget their past disputes and to work towards a better future, particularly keeping in view the welfare of their minor daughter. The Court is also conscious of the settled principle that the law must respond not merely to the dispute as it once existed, but also to subsequent events which have a material bearing upon the relief sought. The subsequent conduct of the parties, their voluntary settlement and their unequivocal consent to restore the matrimonial relationship constitute circumstances which cannot be ignored while exercising appellate jurisdiction.

13. The present matter, therefore, is not one where the Court is compelling reconciliation upon unwilling parties. On the contrary, the parties themselves, being present before the Court and having been identified by their respective counsel, have jointly and unequivocally stated that they wish to restore their matrimonial relationship and live together in future. The Court is further of the considered view that the paramount consideration in the peculiar facts of the present case is the welfare of the minor



girl. The parties have consciously decided to work together in the interest of their child and to provide her a better quality of life. Their decision to resume their matrimonial relationship, therefore, carries significance not merely for them individually but also for the emotional and familial well-being of their minor daughter.

14. Thus, in the totality of the facts and circumstances of the present case, this Court finds that three aspects assume particular significance:

- a) That after the passing of the decree of divorce, the parties have entered into a settlement and have mutually understood and agreed that they wish to restore their family life and put their previous disputes behind them;
- b) That both the parties have expressed their common desire to act in the best interest and welfare of their minor daughter and to ensure that she receives the care, affection and support of both her parents; and
- c) That both the parties have voluntarily expressed their intention to live together and make a fresh beginning with the object of leading a better and harmonious quality of life in future.

15. The subsequent settlement between the parties, coupled with their personal presence before this Court and their unequivocal consent, the view laid down by co-ordinate Bench in **Kamlesh Devi (supra)**, and by other high court in **Prabhu Vaippan v. Akshita Pande : 2020 SCC OnLine Kar 4358**, persuades this Court to exercise its jurisdiction in the interest of justice and to give effect to the reconciliation which has taken place between them.



16. The judgment and decree dated 30.11.2024, whereby the marriage between the parties was dissolved, cannot, in the peculiar facts and circumstances of the present case, be permitted to stand as an impediment to the voluntary reconciliation now arrived at by the parties.

17. This Court, accordingly, relying upon the judgment of the Co-ordinate Bench in **Kamlesh Devi (supra)**, and considering the subsequent settlement and the unequivocal consent of both the parties, is of the considered opinion that the decree of divorce dated 30.11.2024 deserves to be set aside.

18. Consequently, the decree of divorce dated 30.11.2024 is hereby set aside. The matrimonial relationship between the parties is restored and the marriage solemnized between them on 23.10.2015 shall stand restored as if the decree of divorce had not intervened.

19. The Court expects that the parties, having voluntarily chosen the path of reconciliation, shall make a sincere and conscious endeavour to honour the understanding arrived at before this Court and shall endeavour to resolve their future differences through mutual dialogue, patience and understanding, particularly keeping in view the welfare and happiness of their minor daughter.

20. It is hoped that the parties shall now look forward rather than backwards, and that the settlement arrived at before this Court shall mark not merely the conclusion of litigation, but the beginning of a renewed chapter of their family life.

21. In view of the aforesaid facts and circumstances, and particularly in view of the voluntary consent and settlement



arrived at between the parties, the *lis* is question does not survive, and thus, the present appeal stands **allowed**. A copy of the notarized settlement deed is taken on record. Pending applications, if any, shall stand disposed.

22. The judgment and decree dated 30.11.2024 passed by learned Judge, Family Court, Hanumangarh in Civil Regular Case No. 237/2020 is set aside. The marriage between the parties, solemnized on 23.10.2015, stands restored.

23. The Registrar (Judicial) is directed to send a copy of this judgment to the concerned Family Court forthwith, which shall carry out the requisite consequential formalities in accordance with law.

(SAMEER JAIN),J

(UMA SHANKER VYAS),J

63/Divya Daiya