

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

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**FAO-M No.07 of 2010 (O&M)
DATE OF DECISION: July 13, 2015.**

Ajay Raj Markanday

....Appellant.

VERSUS

Neelu

....Respondent.

**CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. K.V. Nanda, Advocate for the appellant.

Mr. R.S. Cheema, Advocate for the respondent

M. Jeyappa, J. (Oral)

CM-13359-CII of 2015 & 13360-CII of 2015

This is an application filed under Order 6 Rule 17 read with Section 151 C.P.C. for amendment of the original petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act and for allowing the parties to file a joint petition under Section 13(B) of the Hindu Marriage Act, 1955, for dissolution of marriage by mutual consent.

As per the order passed by the Court on 27.05.2015, both the parties agreed to settle their matrimonial dispute on payment of Rs.1,00,000/- by the appellant-husband to the respondent-wife. The present petition is the outcome of such a settlement effected in the presence of the Court. As both parties have amicably settled their dispute between them, the application is allowed permitting the parties to amend the original petition

under Section 13 of the Hindu Marriage Act allowing both the parties to file jointly a petition under Section 13(B) of the Hindu Marriage Act, 1955. The petition filed under Section 13(B) of the Hindu Marriage Act, 1955 is taken on file.

FAO-M No.07 of 2010

Both the parties with the intervention of this Court amicably settled their dispute. They have proposed to part ways by filing a necessary petition under Section 13(B) of the Hindu Marriage Act, 1955. The application for amendment of the original petition filed under Section 13 of the Hindu Marriage Act and for allowing both the parties to file a petition under Section 13(B) of the Hindu Marriage Act, 1955 was allowed by this Court.

In view of the above development in this matter, the judgment and decree passed by the trial Court is set aside and the matter is remanded to the trial Court to take up the joint petition under Section 13(B) of the Hindu Marriage Act, 1955 preferred by both the parties for first motion on 03.08.2015. Thereafter, the trial Court shall pass the judgment in accordance with law after ascertaining their consent during second motion as well.

The appeal is disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

July 13, 2015.
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