

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.14589-CII of 2015 in/and
FAO No.84 of 2013 (O&M)
Date of decision: 24.07.2015.

Puvvala Giridhar

.....Appellant

versus

Janaki Puvvala Giridhar

.... Respondent

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

Present: Appellant in person with Mr. C.B.Goel, Advocate.

Respondent in person with Mr. V.V.R.Rao, Advocate.

M. JEYAPPAUL, J.
CM No.14589-CII of 2015

This is an application filed by the appellant-husband praying for amendment of the original petition filed under Section 13 into one under Section 13-B of the Hindu Marriage Act, 1955, on the ground that the marital dispute was amicable settled between the parties.

Counsel appearing for the respondent also does not have any objection on account of the fact that the matter was amicable settled. Therefore, the application is allowed.

FAO No.84 of 2013

As per the order passed by us in C.M. No.14589-CII of 2015, an original petition filed before the Court under Section 13 of the Hindu Marriage Act has been converted into one under Section13-B of the Hindu

Marriage Act. A separate joint petition filed by the parties under Section 13-B is also taken on record.

As per the settlement arrived at between the parties, a sum of ₹21,00,000/- in three drafts was brought by the counsel for the appellant. Counsel appearing for the appellant submits that he will hand over today a sum of ₹ 5,00,000/- in the shape of bank draft to the respondent and that the remaining amount may be kept in fix deposit till passing of the decree of divorce under Section 13-B of the Hindu Marriage Act.

Counsel for the appellant handed over a draft amounting to ₹5,00,000/- in the open Court and the same was received by the respondent. The remaining amount of ₹16,00,000/- in the shape of bank draft be handed over to the trial Court on the first date of hearing and the trial Court shall deposit the same in bank in fixed deposit so that the said amount would yield interest till the petition under Section 13-B is allowed.

As both the parties have amicably settled their dispute and at their instance the original petition has been converted into one under Section 13-B of the Hindu Marriage Act, 1955, the judgment and decree passed by the trial Court is set aside, the matter is remanded to the trial Court. Both the parties are directed to appear before the trial Court on 14.08.2015 for first motion. The trial Court shall thereafter direct the parties to appear for second motion and pass appropriate orders afresh under Section 13-B of the Hindu Marriage Act in accordance with law.

The appeal is disposed of accordingly.

In terms of the compromise arrived at between the parties, the respondent-wife would express no objection for the petition that he may be

filed for quashing the FIR/criminal case No.98, under Section 498-A, 506(2), 323 read with Section 34 IPC and 156(3) Cr.P.C. lodged by her before the Police Station Ganapavaram, Andhra Pradesh on 01.11.2011.

In view of the settlement arrived at between the parties, the parties are at liberty to move necessary petition under Section 482 Cr.P.C. against the FIR lodged by the respondent-wife.

(M. JEYAPPAUL)
JUDGE

24.07.2015
Manoj Bhutani

(RAJ RAHUL GARG)
JUDGE