

In the High Court of Punjab and Haryana at Chandigarh
CM Nos. 10263 &64-CII-2015 in/and
FAO-M-267-2013
Date of decision: 18.05.2015.

Sukhwinder Kaur

..... Appellant

Vs.

Man Singh

..... Respondent

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

Present: Mr. J.K.Goel, Advocate
for the appellant.

Mr. S.S.Momi, Advocate
for the respondents.

M.JEYAPPAUL,J.(Oral)

CM Nos. 10263-64-CII-2015

Heard the submissions made on either side.

The petition was filed before the trial Court by the appellant-wife invoking the provisions under Section 12 (1) (c) of the Hindu Marriage Act, 1955 (for short 'the Act'), with a prayer to declare the marriage of the appellant with the respondent as null and void. The petition was dismissed and as a result of which the wife has come forward by way of present appeal.

Both the parties, referring to the compromise deed, which is appended as Annexure A-1, would submit that the matrimonial dispute was compromised between the parties and as a result of which, they have proposed to file a petition under Section 13-B of the Act.

As the matrimonial dispute has been settled between the parties and they have invoked the provisions under Section 13-B of the Act, to get a decree of divorce by mutual consent, we permit both the parties to file a

petition under Section 13-B of the Act.

Consequently, the petition jointly filed by both the parties under Section 13-B of the Act, is taken on record and the petition originally filed under Section 12 (1) (c) is converted into one under Section 13-B of the Act.

Ordered accordingly.

FAO-M-267-2013

This appeal has been preferred by the wife against the dismissal of the petition under Section 12 (1) (c), filed by her before the trial Court.

Both the parties have compromised the matrimonial dispute as found from Annexure A-1 which is a compromise deed produced by both the parties. Now, they have also filed a petition under Section 13-B of the Act, praying for a decree of divorce by mutual consent. The said petition has already been taken on record by this Court.

Keeping in view the above development, the judgment and decree passed by the trial Court stand set aside and the appeal is remanded to the trial Court to decide afresh the petition which has been converted into under Section 13-B of the Act in accordance with law.

Both the parties shall appear before the trial Court on 29.05.2015.

Appeal stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

18.05.2015
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(RAJ RAHUL GARG)
JUDGE