

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-99 of 2013 (O&M)
Date of Order: 20.10.2015

Kajal

..Appellant

Versus

Gurinder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE REKHA MITTAL.

Present: Ms. G.K.Mann, Advocate,
for the appellant.

Mr. Deepinder Singh, Advocate,
for the respondents.

RAJIVE BHALLA, J (Oral)

The appellant, challenges judgment and decree dated, 26.02.2013, passed by the Additional District Judge (Adhoc) Fast Track Court, Amritsar, whereby her marriage with respondent no.1 has been dissolved by grant of a decree of divorce.

During pendency of the appeal and with able assistance of their counsel, parties have resolved their differences and agreed to the withdrawal of the appeal, subject to certain terms and conditions.

The appellant has filed an affidavit, dated 15.10.2015, which reads as follows:-

“1. That the deponent has filed an appeal No.99 of 2013 against the decree of divorce granted by the

court of Shri K.K.Goyal, Additional District Judge (Adhoc), Fast Tract Court, Amritsar, vide judgment and decree dated 26.02.2013, which is pending for adjudication before this Hon'ble Court.

2. *That the matter has been settled and the respondent has agreed to transfer the House No.392, Kot Atma Ram, Sultanwind, Amritsar in the name of the deponent to the extent of his 50% share in the house.*
3. *That if the respondent/husband transfers the said house in the name of the deponent/appellant, then the deponent undertakes to withdraw the present appeal.”*

The respondent, who is present in Court, has also filed an affidavit, dated 20.10.2015, which reads as follows:-

- “1. *That the deponent had filed petition under Section 13 of Hindu Marriage Act against the Appellant (Ms. Kajal) praying for decree of divorce. The said petition was allowed on merits by Ld. Addl. Distt. Judge (ADHOC) Fast Track Court, Amritsar vide judgment dated 26.02.2013.*
2. *That the Appellant has filed FAO-M-99 of 2013 in this Hon'ble High Court against the aforesaid judgment dated 26.02.2013 and the same is pending adjudication.*
3. *That during pendency of the appeal, the deponent*

and the appellant have come to an understanding and in pursuance thereof the deponent is ready to transfer his 50% share in H.No.392, Kot Atma Ram, Sultanwind Road, Amritsar, in favour of the Appellant (Ms. Kajal) and it has further been agreed that the appellant would withdraw her present appeal pending in this Hon'ble High Court and will not claim anything else from the deponent in future.

4. *That the deponent is ready and willing to transfer 50% share in H.No.392, Kot Atma Ram, Sultanwind Road, Amritsar in favour of the Appellant in view of the aforesaid understanding.”*

Counsel for the parties pray that in view of the affidavits, the appeal may be dismissed as withdrawn, the impugned judgment and decree may be affirmed but with a direction to the appellant to withdraw her suit filed against Kotak Mahindra Bank and a direction to the respondent to transfer 50% share in House No. 392, Kot Atma Ram, Sultanwind Road, Amritsar.

We have heard counsel for the parties, perused their affidavits and while dismissing the appeal, as withdrawn and affirming judgment and decree, dated 26.02.2013, issue the following directions, as agreed:-

- i) The appellant shall withdraw her suit filed against Kotak Mahindra Bank;
- ii) As the respondent states that he has discharged his liability towards Kotak Mahindra Bank, the bank

shall within a week of the withdrawal of the suit, filed by the appellant, return the title deeds etc. to the respondent. The respondent shall within one month of the return of the title deeds etc. by the bank, transfer 50% share in House No. 392, in the name of the appellant, i.e., Kajal D/o Kulwant Singh, resident of House No.392, Kot Atma Ram, Sultanwind Road, Amritsar.

- iii) The transfer of the 50% share in the house shall be deemed to be an end of all disputes between the parties. The appellant shall not have any claim with respect to maintenance past, present, future or permanent alimony.
- iv) In case of any difficulty or clarification, parties would be at liberty to approach this Court, by way of an appropriate application.

Disposed of accordingly.

(RAJIVE BHALLA)
JUDGE

October 20, 2015
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(REKHA MITTAL)
JUDGE