

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

**FAO No.5868 of 2015 (O&M)
Date of Decision: 16.10.2015**

Parveen KumarAppellant

Versus

Smt. Pushpa RaniRespondent

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

Present: Mr. Akashdeep Singh, Advocate for the appellant
with Mr.Parveen Kumar, appellant in person.

Mr. Naveen Kumar, Advocate for the respondent
with Ms. Pushpa Rani, respondent in person.

RAJIVE BHALLA, J (ORAL)

This appeal is directed against judgment and decree dated 20.05.2015, passed by the District Judge, Family Court, Rohtak, dismissing the petition under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as “the Act”), on the ground that at the stage of second motion the respondent-wife, did not, make a statement agreeing to the divorce by mutual consent.

The appellant has handed over Rs.20,000/- as litigation expenses, in cash to the respondent, who is present in Court.

Counsel for the appellant submits that the appellant is ready to pay additional amount over and above the amount agreed before the trial Court, if the respondent agrees to a divorce.

The respondent, who is present in Court,

alongwith her counsel, states that she is not ready for a mutual divorce and shall return the amount of Rs.3,00,000/- received by her before the trial Court.

We have heard counsel for the parties and perused the impugned judgment.

As mutuality is the foundation of a petition and an order under Section 13-B of the Act, the refusal of the respondent to agree to a divorce by mutual consent, lead to the dismissal of the petition. The appellant's offer of an additional amount has been rejected by the respondent. We are, therefore, left with no option, but to dismiss the appeal but direct the respondent to return by way of a demand draft Rs.3,00,000/-, to the appellant, within 15 days from receipt of certified copy of this order.

[RAJIVE BHALLA]
JUDGE

16.10.2015
Vinay

[REKHA MITTAL]
JUDGE