

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-M-203 of 2014 (O&M)

Date of Decision: 22.1.2015

Pardeep @ Deepak

....Appellant.

Versus

Mamta

...Respondent.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE SNEH PRASHAR.**

PRESENT: Mr. Ashok Giri, Advocate for the appellant.

Mr. Kamal Sharma, Advocate for the respondent.

AJAY KUMAR MITTAL, J.

CM No. 1225-CII of 2015

1. This is a joint application under Section 151 of the Code of Civil Procedure for converting the instant appeal into a petition under Section 13-B of the Hindu Marriage Act, 1955 (in short "the Act").
2. A joint petition under Section 13-B of the Act for dissolution of marriage between the parties to the petition by way of grant of decree of divorce by mutual consent bearing CM No. 1226-CII of 2015 has been filed along with the present application.
3. The joint petition is accompanied by affidavits of the parties. Learned counsel for the parties state that in view of the original petition dated 12.1.2015 filed under Section 13-B of the Act along with the

affidavits of the parties and a copy of the compromise dated 18.12.2014 arrived at between the parties before the Mediation and Conciliation Centre of this Court, a decree be passed in terms thereof.

4. After hearing learned counsel for the parties, we consider it appropriate to remit the joint petition under Section 13-B of the Act, the supporting affidavits in original and a copy of the compromise dated 18.12.2014 to the trial court, who shall proceed further in accordance with law, where the parties shall appear on 10.2.2015 for recording of first motion. However, a complete photo copy of the petition under Section 13-B of the Act be retained in the present appeal.

5. CM Nos. 1225-26-CII of 2015 stand disposed of accordingly.

CM No. 1227-CII of 2015

This is an application under Section 151 of the Code of Civil Procedure for waiving off the period of six months in the grant of decree of divorce by mutual consent.

Heard.

In view of the judgment of the Apex Court in **Neeti Malviya v. Rakesh Malviya, (2010) 6 SCC 413**, the present application is dismissed.

FAO-M-203 of 2014

1. In view of the order of even date passed in CM No. 1225-CII of 2015, learned counsel for the appellant states that the instant appeal has become infructuous and be disposed of as such. However, it has been prayed by the learned counsel for the appellant that in case compromise deed dated 18.12.2014 is not acted upon or the parties do not agree for divorce by mutual consent under Section 13-B of the Act, liberty be granted to the appellant to move an application for revival of

the appeal.

2. In view of the above, the present appeal is disposed of as having been rendered infructuous. However, it is made clear that in case the petition under Section 13-B of the Act does not culminate into passing of the final decree for divorce by mutual consent, it shall be open to the appellant to move an application for revival of the appeal.

(AJAY KUMAR MITTAL)
JUDGE

January 22, 2015
gbs

(SNEH PRASHAR)
JUDGE