

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

**FAO No. M-302 of 2014 (O&M)
DATE OF DECISION :- June 30, 2015**

Poonam

...Appellant.

Versus

Rajinder Kumar Latawa

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present:- Mr. Rahul Sharma, Advocate for the appellant.

Mr. Akshay Jindal, Advocate for the respondent.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

M.JEYAPPAUL, J.

C.M. No. 11748-CII of 2015

Heard the submissions made on either side.

The present application is filed invoking Order 6 Rule 17 CPC to amend the original petition filed under Section 13 of the Hindu Marriage Act, 1955 into one under Section 13B of the said Act.

It is the admitted position that both the parties have

amicably settled their matrimonial dispute before the Mediation Centre to which we referred earlier.

Inasmuch as both the parties have amicably settled their matrimonial dispute and they have preferred to part ways by obtaining a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955, the prayer for amendment sought in this application is allowed. Accordingly, the original petition filed by the petitioner under Section 13 of the Hindu Marriage Act, 1955 stands converted into one under Section 13B of the said Act.

FAO No. M-302 of 2014

1. Heard the submissions made on either side.
2. This is an appeal preferred by the wife aggrieved by the dismissal of the petition for divorce filed before the trial Court under Section 13 of the Hindu Marriage Act.
3. When the matter was pending before this Court, we chose to refer the matter to the Mediation and Conciliation Centre. The fact remains that both the parties have settled their matrimonial dispute and as a result of which they chose to file application C.M. No. 11748-CII of 2015 praying to convert the original petition filed under Section 13 into 13B of the Hindu Marriage Act, 1955. We have in fact allowed the said application.
4. In view of the above development in this case, the impugned judgment passed by the trial Court on 25.7.2014 stands set aside and the matter is remanded to the trial Court to take up the

petition under Section 13B of the Hindu Marriage Act 1955 as converted by us and deal with the same afresh in accordance with law and pass suitable orders. Both the parties shall appear for 1st motion before the trial Court on 27.7.2015. The appeal is disposed of accordingly.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ RAHUL GARG)
JUDGE**

June 30, 2015

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