

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

**CM Nos. 29023-24-CII of 2014 in/and
FAO No. M-425 of 2014 (O&M)
Decided on : 08.01.2015**

Dheeraj Kumar Hooda

... Appellant

Versus

Sunita Sehrawat

... Respondent

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

PRESENT: Mr. Ram Avtar Yadav, Advocate
for the applicant-appellant.

Mr. Jitender Singh Kundu, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (Oral)

CM No. 29023-CII of 2014

This is an application under Order VI Rule XVII read with Section 151 of the Code of Civil Procedure for amendment of the petition filed under Section 13(1) of the Hindu Marriage Act, 1955 (for short 'the Act') into a petition under Section 13-B of the Act for grant of decree of divorce by way of mutual consent.

Alongwith the aforesaid application, a joint petition under Section 13-B of the Act has also been appended for grant of decree of divorce by way of mutual consent. The joint petition is accompanied by affidavits of both the parties. So far as the prayer for conversion of the present proceedings into proceedings under Section 13-B of the Act is concerned, learned counsel for the parties are agreed that the original petition under Section 13-B of the Act filed alongwith the application be remitted to the trial Court.

In view of the above, the petition (C.M. No.29024-CII of 2014) under Section 13-B of the Act and the supporting affidavits in original are remitted to the trial Court, who shall proceed further in accordance with law. The parties are directed to appear before the trial Court on 02.02.2015 for recording of first motion. However, a complete photocopy of the petition under Section 13-B of the Act be retained in the present appeal.

C.M. stands disposed of.

FAO No.M-425 of 2014

1. At the joint request of learned counsel for the parties, the hearing of the appeal is preponed to today.
2. In view of the order of even date passed in CM No.29023-CII of 2014, 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 learned counsel for the appellant that in case the compromise is not acted upon between the parties or they do not agree for divorce by way of mutual consent under Section 13-B of the Act, liberty be granted to the appellant to move an application for revival of the appeal.
3. In view of the above, the appeal stands disposed of as 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 way of mutual consent, it shall be open to the appellant to file an application for revival of the appeal.

(AJAY KUMAR MITTAL)
JUDGE

(SNEH PRASHAR)
JUDGE

January 08, 2015