

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

**FAO No.M-227 of 2015 (O&M)
Date of Decision: 04.09.2015**

Ramanbir KaurAppellant

Versus

Manjit SinghRespondent

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE HARI PAL VERMA**

Present: Mr. Sarabjit Singh, Advocate
for the appellant.

Mr. Mohinder Kumar, Advocate
for the respondent.

RAJIVE BHALLA, J (ORAL)

The appellant-wife, is before us challenging judgment and decree dated 21.11.2013, granting a decree of divorce to the respondent-husband and directing the appellant to hand over the custody of their minor child Parasdeep Singh to the respondent.

During pendency of the appeal, parties with the able assistance of their counsel have arrived at a mutually agreeable settlement in which the appellant has agreed to withdraw the appeal, accept the correctness of judgment and decree dated 21.11.2013, provided custody and guardianship of the minor remains with her and the respondent gives up any rights with respect to the minor as well as his claim for visitation rights. It is also agreed that the appellant shall not claim any maintenance or permanent alimony or any amount

due in lieu of maintenance past, present or future and both parties shall withdraw/assist in quashing any litigation/complaint filed by either party before any Court, Officer, Tribunal or other Forum.

In support of the settlement, Ramanbir Kaur and Manjit Singh, the appellant and the respondent, respectively, who are present in Court, have filed their separate affidavits dated 04.09.2015, which are taken on record as Mark 'A' and Mark 'B' respectively. A relevant extract from the affidavit filed by Ramanbir Kaur reads as follows:-

“2. That both the parties are present today in this Hon'ble Court and both of them have mutually agreed that they have no objection in case the divorce decree passed in favour of respondent-husband Manjit Singh by the Ld. Trial Court is upheld. Both the parties have also agreed that the custody of the child Parasdeep Singh (minor son) will remain with appellant-wife Ramanbir Kaur.

3. That in view of the mutual settlement arrived at between the parties today, I will have no objection if the decree of divorce granted by the Ld. Trial Court in favour of the respondent-husband is upheld by this Hon'ble Court. I will not claim any maintenance or any right in property of Manjit Singh, for myself or my minor son Parasdeep Singh in future from Manjit Singh.”

A relevant extract from the affidavit filed by Manjit Singh reads as follows:-

“2. That both the parties are present today in this Hon'ble Court and both of them have mutually agreed that they have no objection in case the divorce decree passed in favour of respondent-husband Manjit Singh by the Ld. Trial Court is upheld. Both the parties have also agreed that the custody of the child Parasdeep Singh (minor son) will remain with appellant-wife Ramanbir Kaur.

3. That in view of the mutual settlement arrived at between the parties today, I will not claim the custody of the minor son Parasdeep Singh in future and I will have no objection if the child remains with his mother Ramanbir Kaur i.e. Appellant, and I will not claim any visiting rights qua the child, in future and the appellant has also agreed that she will not claim any maintenance for herself or for her minor son Parasdeep Singh.”

Counsel for the parties pray that as parties have resolved their differences, the appeal may be dismissed as withdrawn in terms of the settlement duly recorded in their respective affidavits.

We have heard counsel for the parties, as well as the parties, considered the contents of their affidavits Mark 'A' and Mark 'B' and are satisfied about the legality of the

compromise and the fact that the compromise does not suffer from any legal impediment vis-a-vis rights of the parties or the rights of the minor.

Consequently, the appeal is dismissed as withdrawn. The judgment and decree, dated 21.11.2013 dissolving the marriage between the parties is affirmed. In view of the compromise relating to the custody and guardianship of the minor, the part of the judgment and decree directing the appellant to hand over custody of the minor to the respondent is set aside. The guardianship of the minor Parasdeep Singh shall vest with Ramanbir Kaur-appellant. The respondent-Manjit Singh shall have no rights with respect to the minor including visitation rights. Ramanbir Kaur shall not claim any maintenance or permanent alimony in any manner whatsoever. Parties shall withdraw/assist in quashing any complaint/FIR/petition filed by either party before any Court, Tribunal, Officer or other Forum.

Decree sheet be modified accordingly.

**[RAJIVE BHALLA]
JUDGE**

**[HARI PAL VERMA]
JUDGE**

04.09.2015
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