

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

-.-

FAO No. M 426 of 2015
Date of decision: 31.10.2015

Jyoti Rani

..... Appellant

Versus

Muninder Singh

.....Respondent

**Coram: Hon'ble Mr. Justice Rajive Bhalla
Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. Rakesh Gupta, Advocate
for the appellant

Mr. Sandeep Malik, Advocate
for the respondent

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

A matrimonial dispute between the parties was resolved by way of an out of Court settlement. The parties filed the petition for grant of a decree of divorce by way of mutual consent but unfortunately it did not fructify. The statements of the parties were recorded in first motion but the respondent - Muninder Singh retracted his statement at the stage of second motion and as a natural corollary, the petition was dismissed, vide the impugned judgment dated 07.08.2015 passed by the District Judge, Panipat (hereinafter to be referred as 'the trial Court').

Counsel for the appellant has submitted that the parties have

once again agreed to dissolve their marriage by mutual consent and they are ready to record their statements in second motion, reaffirming their stand taken up at the first motion stage.

The respondent, Muninder Singh has filed his affidavit dated 30.10.2015, accepting the correctness of averments made in the petition jointly filed by the parties and the statement made in first motion. His statement was recorded in the Court and a relevant extract therefrom reads as under:-

“I filed the petition under Section 13-B with Jyoti Rani but before the trial Court, I did not abide by my statement at first motion on account of certain differences. We have resolved the differences and now I have filed an affidavit that may be read as part of my statement in second motion and have no objection if our marriage is dissolved by grant of decree of divorce by mutual consent.”

Similarly, Ms Jyoti Rani, appellant has filed her affidavit dated 31.10.2015, raising no objection to dissolution of marriage of the parties by mutual consent. The statement made by Jyoti Rani reads thus:-

“My Statement in the first motion was recorded before the trial Court. As Muninder Singh retracted from his statement, the petition was dismissed. As Muninder Singh agreed to dissolve the marriage by mutual consent, I maintain statement recorded in first motion. Our marital differences are resolved and my marriage may be dissolved by grant of decree of divorce by mutual consent.”

We have heard counsel for the parties, interacted with the parties present in person and are satisfied that the matrimonial differences

between the parties are irreconcilable and there is no possibility of their residing together under the same roof. The parties, after a well considered and conscious discussion, have decided to snap their marital ties by mutual consent. There is no impediment, legal or otherwise, that can stand in their way to pray for a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 (in short, 'HMA').

In view of the above, it would be expedient in the interest of justice to liberate the parties of an unhappy marriage alliance. As a consequence, the appeal is allowed, the judgment and decree passed by the trial Court is set aside and the joint petition under Section 13-B HMA filed by the parties is allowed and their marriage is hereby dissolved by the decree of divorce by mutual consent. Decree sheet be drawn up accordingly.

(Rajive Bhalla)
Judge

(Rekha Mittal)
Judge

31.10.2015
Mohan Bimbura