

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

**CR No. 4141 of 2015 (O&M)
Date of decision: 21.01.2016**

Poonam	...	Petitioner
	versus	
Naveen		Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashish Pannu, Advocate for the petitioner.
 Mr. G.S. Sandhu, Advocate for the respondent.

K.Kannan, J. (ORAL)

The hopeless situation brought by wife on herself by admitting to a divorce by mutual consent at the 1st motion by appearing in Court and presenting the joint petition and appearing at the 2nd motion and affirming the continued intention to dissolve the marriage was attempted by her later after the decree stating that the dissolution was obtained by fraud. The so-called fraud perpetrated by the husband was that the husband stated that by dissolving the marriage his prospect of going abroad and securing a necessary travel documents would brighten. She never believed that the decree of the Court was meant to operate truly against the continuance of her matrimonial relationship. After the decree was passed, an application filed for recalling the same on the aforesaid assertions came to be dismissed. The Court found that wife's assertions that the husband accompanied her to leave her in her house or that the husband made a false representation about the continuance of matrimonial relationship could not be countenanced.

I will hardly find any reason to modify the decision of the Court below for what is stated is an utterly absurd assertion of what cannot be brought for acceptance in a Court. Marriage is the only contract that cannot be annulled by mere wish of a parties outside the Court. Without the

imprimatur of the Court, the relationships cannot be driven asunder to a dissolution. Even on a consent of parties to dissolve the marriage, Hindus and Christians in India have to approach the Court to legitimize their intentions to separate. The idea is to bring a solemnity even at the stage of separation and that the statement made by the parties before the Court are not merely lip words, they are expressions of what the parties truly intended. A party appearing in Court expressing consent for a dissolution through a joint application does not get divorce on the same day. The period of 6 months is a cooling off period to deliberate and take an informed decision. Except on a plea of insanity or the statement made in the state of utter stupor when the mental faculties are dimmed, there could be no occasion for the party to resile from what is affirmed in the Court.

Decree of divorce by mutual consent passed by Court cannot be annulled by an assertion of any party later that the decree was meant to be sham for facilitating employment in a foreign country.

Proceedings of Court cannot be brought under thick clouds of irreverence, if a party know what was stated in Court was meant to be untruth and not to be acted upon. The petitioner was doing just that. She wanted to contend that by dissolving the marriage she was assisting herself for a great future for themselves for living together in a foreign country. This absurd assertion must resisted only as could reside in the figment of imagination of the petitioner herself and cannot be allowed to infect a solemn judicial exercise that is undertaken to deliver in a decree for dissolution.

The order passed already is affirmed and the revision petitions is dismissed.

21.01.2016

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(K.KANNAN)
JUDGE