

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

**FAO-M-289-2012 (O&M)
DATE OF DECISION :- April 01, 2016**

Rupinder Kaur

...Appellant

Versus

Jaswinder Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Vishal Sodhi, Advocate for the appellant.

Mr. Animesh Sharma, Advocate for the respondent.

M.JEYAPPAUL, J.

CM-18065-CII-2015

The application seeking waiver of the mandatory waiting period of six months under Section 13B(2) of the Hindu Marriage Act, 1955 has become infructuous and, therefore, it stands dismissed.

CM-29675-CII-2012

Both the parties have settled the matrimonial dispute, therefore, the question of staying the operation of judgment does not arise.

The application stands dismissed.

CMM-165-2012

The parties have settled their matrimonial dispute. Therefore, the question of determining the application under Section 24 of the Hindu Marriage Act, 1955 does not arise.

The application stands closed.

FAO-M-289-2012

Both the parties were present. They also swore to separate affidavits and submitted before the Court that their individual affidavits be read as their statements in second motion.

It is found that the appellant and respondent have been living separately and they were not in a position to come together to live their matrimonial life. We are satisfied from the averment in the petition filed under Section 13-B of the Hindu Marriage Act, 1955 and the statements in the shape of affidavits suffered by them during first motion and second motion that they have entered into a compromise without any coercion and undue influence. They have come out with a petition for divorce by mutual consent in their own interest. It is also found that the appellant and the respondent have amicably settled their matrimonial dispute and have decided to part ways. In terms thereof, they have been permitted to convert petition under Section 12 into one under Section 13-B of the Hindu Marriage Act, 1955. As they have mutually consented for passing a decree for divorce in terms of the statements suffered by them during first and second motion, a decree for divorce by mutual consent is hereby passed thereby dissolving the marriage between the parties by mutual consent. The appeal is accordingly disposed. Decree sheet be prepared.

(M. JEYAPPAUL)
JUDGE

(RAJ MOHAN SINGH)
JUDGE

April 01, 2016

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