

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

**FAO-4050-2013 (O&M)**

**Date of decision: 19<sup>th</sup> February, 2016**

**Annu Kumari**

**...Appellant**

**Versus**

**Parneet**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA  
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. J.S. Sehrawat, Advocate  
for the appellant.

Ms. G.K. Dulat, Advocate  
for the respondent.

**RAJIVE BHALLA, J.(ORAL)**

Prayer in this petition filed under Section 13-B of the Hindu Marriage Act (hereinafter referred to as 'Act') is for grant of divorce by mutual consent.

The parties were married on 19<sup>th</sup> February, 2007 at Village Chatiya Aulia but were not blessed with a child. Smt. Annu Kumari, filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage on the grounds of cruelty and desertion. The petition was, however, dismissed vide judgment and decree dated 2<sup>nd</sup> May, 2013, passed by the District Judge, Family Court, Sonipat. Smt. Annu Kumari, thereafter, filed the present appeal.

During pendency of the appeal, parties filed *CM No.17366-CII-2015* for altering the original petition filed under Section 13 to a petition under Section 13-B of the Act. The application was allowed on 27<sup>th</sup> August, 2015. The parties also filed a petition under Section 13-B for

dissolution of the marriage by mutual consent. The petition under Section 13-B was registered. After considering the averments and arguments, the separate statements of parties were recorded on 27<sup>th</sup> August, 2015.

The statement made by Annu Kumari wife of Parneet daughter of Balwan Singh, reads as follows:-

*Stated that contents of my affidavit, dated 17.08.2015, jointly, filed in Court today, may be read as my statement in first motion.*

The statement made by Parneet son of Shri Bal Kishan, reads as follows:-

*Stated that contents of my affidavit, dated 17.08.2015, jointly, filed in Court today, may be read as my statement in first motion.*

A perusal of the affidavits reveal that parties have decided to dissolve their marriage on account of irreconcilable differences. The appeal was thereafter adjourned for a period of six months.

The parties, namely, Annu Kumari and Parneet, are present in person along with their respective counsel and state that even after reconsidering the matter they are still of the opinion that it is not possible for them to live together and, therefore, their marriage may be dissolved.

We have interacted with the parties and advised them to reconsider their decision but both parties are adamant that as it is not possible for them to live together as husband and wife, they have taken a conscious decision to partways. Consequently, we direct parties to record their separate statements in second motion.

The statement recorded by Smt. Annu Kumari wife of Parneet daughter of Balwan Singh in second motion reads as follows:-

*I was married to Parneet son of Bal Kishan on 19<sup>th</sup> February, 2007. We are living apart since 1<sup>st</sup> July, 2007. We have decided to partways as it is not possible for us to live together as husband and wife on account of irreconcilable differences. I shall not claim any maintenance, permanent alimony or istridhan, past present or future. I shall withdraw/get quashed any case filed by me before any Court of Quasi Judicial Authority or Administrative Authority whatsoever.*

The statement recorded by Parneet son of Sh. Bal Kishan in second motion reads as follows:-

*I have heard the statement made by Annu Kumari and agree with her that it is not possible for us to live together as husband and wife on account of irreconcilable differences. We have decided without any coercion, collusion or fraud to partways and pray that the marriage may be dissolved by grant of a decree of divorce. I have returned istridhan of Smt. Annu Kumari. I shall withdraw/get quashed any case filed by me before any Court of Quasi Judicial Authority or Administrative Authority whatsoever.*

We have heard counsel for the parties, perused averments in the petition under Section 13-B of the Act, considered statements recorded in first and second motion and as we are satisfied that it is not possible for parties to live together as husband and wife and the prayer for dissolution of marriage is devoid of collusion, fraud, misrepresentation or any other legal impediment, allow the petition and dissolve the marriage between the parties by grant of a decree of divorce by mutual consent. Parties shall be bound by their respective statements.

A decree-sheet be drawn up, accordingly.

**(RAJIVE BHALLA)**  
**JUDGE**

**February 19, 2016**  
*m. sharma*

**(LISA GILL)**  
**JUDGE**