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

FAO-M No.389 of 2014

Date of Decision: 03.05.2016

BEANT SINGH

.....Appellant

Vs

RAJWINDER KAUR

.....Respondent

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. R.K. Chugh, Advocate
for the appellant.

Mr. Jasraj Singh, Advocate
for the respondent.

M. JEYAPPAUL, J.(Oral)

Both the parties along with their respective counsel
were present today.

In terms of the compromise arrived at between the
parties, the appellant and the respondent in fact approached the
trial Court with the petition under Section 13-B of the Hindu
Marriage Act, 1955 (for short 'the Act') praying for dissolution of
marriage by mutual consent. It was agreed by the appellant to
pay a sum of Rs.6 lacs to the respondent in order to obtain a
decree by consent. In terms thereof during the first motion under
Section 13-B of the Act taken up by the trial Court, the appellant

paid a sum of Rs.3 lacs. When the matter came up for second motion, the respondent backed out from the terms of compromise and as a result of which the trial Court dismissed the petition under Section 13-B of the Act as infructuous.

The present appeal has been preferred by the appellant-husband aggrieved by the above order passed by the trial Court.

With the intervention of the Court, the appellant and respondent have again agreed to settle their matrimonial dispute. As per fresh terms of the parties, the appellant was prepared to pay Rs.4 lacs over and above a sum of Rs.3 lacs he had already parted with to settle the matrimonial dispute amicably with the respondent. When the present appeal came up for hearing on 05.04.2016 in terms of above fresh settlement between the parties, a sum of Rs.3 lacs over and above the first payment of Rs.3 lacs during the pendency of petition under Section 13-B of the Act was paid by the appellant to the respondent. The respondent having received the said amount also agreed to give divorce by mutual consent.

The matter was taken up today for final payment. The appellant brought a sum of Rs.1 lac and paid the same to the respondent, who was present today. The respondent having received the final payment agreed to withdraw the petition filed

by her under the Protection of Women from Domestic Violence Act, 2005 which is coming up for hearing on 06.05.2016 before the competent Court.

In the light of the above development in this case in the interest of justice, we are pleased to set aside the order passed by the trial Court dismissing the petition under Section 13-B of the Act as infructuous. The trial Court shall re-open the case and post the matter for second motion on 09.05.2016. As agreed the respondent shall withdraw the petition she filed under the Protection of Women from Domestic Violence Act, 2005 facilitating the parties to obtain divorce by mutual consent.

Both the parties shall be present before the trial Court on 09.05.2016. Thereupon the trial Court shall take up the matter for second motion and dispose of the same in accordance with law.

Appeal stands disposed of accordingly.

A copy of this order be given to the counsel for the parties under the signatures of Bench Secretary of this Court.

(M. JEYAPPAUL)
JUDGE

May 03, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE