

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-M No.313 of 2016(O&M)
Date of decision : 01.09.2016

Shelly Sharma

..... Appellant

versus

Amandeep Kumar Vaid

..... Respondent

CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MS. JUSTICE SNEH PRASHAR

Present: Mr. G.S.Sirphiki, Advocate for the appellant.

Mr.Pankaj Bali, Advocate for the respondent.

M. JEYAPPAUL, J. (Oral)

Party No.1 along with her counsel and power of attorney of party No.2 along with his counsel are present. A petition under Section 13-B of the Hindu Marriage Act, 1955, praying for dissolution of marriage between the parties by mutual consent was moved by party No.1 and party No.2 before the trial Court. Party No.1 and the power of attorney of party No.2 suffered statements in first motion and also in second motion before trial Court. The said petition was dismissed, as party No.1 informed the trial Court that the amount settled was lying with the Mediator, Mr. Jawahar Marwaha. Further, she insisted that her husband should come from foreign country. The learned trial Judge also suspected that there had been some pressure on party No.1 to suffer statement before the Court. Ultimately the trial Court, being not satisfied with the consent expressed by party No.1 for

divorce by mutual consent, chose to dismiss the petition under Section 13-B of the Hindu Marriage Act, 1955.

Today, party No.1 and the power of attorney of party No.2 were present. They suffered individual statements before this Court. Party No.1 has unequivocally stated that she has received a sum of Rs. 8 lacs, as settled, in the shape of two bank drafts towards permanent alimony and other claims. She also has not pressed for the presence of her husband who is staying in foreign country. We are satisfied that both the parties have suffered statements before us without any pressure, threat, undue influence or coercion from any quarters. Both the parties have been living separately for about two years. We are convinced that both parties have made true averments in the joint petition under Section 13-B of the Hindu Marriage Act. There is no scope for party No.1 and party No.2 to join together as husband and wife.

Therefore, as prayed for, a decree of divorce by mutual consent is granted and the marriage between the parties is dissolved. Decree sheet be drawn accordingly.

Appeal is disposed of accordingly.

**(M. JEYAPPAUL)
JUDGE**

**(SNEH PRASHAR)
JUDGE**

**September 01, 2016
sunita**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No