

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

FAO-M-6-2016 (O&M)

Date of decision: February 01, 2016

Sunil Kumar

...Appellant

Versus

Rita Kandola

...Respondent

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

Present: Mr. Vinay Puri, Advocate for
Mr. D.K. Bhati, Advocate
for the appellant.

Ms. Neetu Singh, Advocate
for the respondent.

RAJIVE BHALLA, J.(ORAL)

Sunil Kumar the appellant and Rita Kandola the respondent are present in Court, with their respective counsel and state that as it is not possible for them to reside together as husband and wife, they have agreed to partways, by filing a petition under Section 13(B) of the Hindu Marriage Act, 1955 at Jalandhar or by filing an application in the petition filed under Section 13 for its conversion to a petition under Section 13(B) of the Act. The parties have also agreed that the appellant shall withdraw his petition filed under Section 9, of the Act.

Rita Kandola, however, states that though she has no objection if the appeal is allowed and the impugned order is *set aside* but it should be subject to the appellant cooperating in the filing of a petition under Section 13(B) of the Hindu Marriage Act, 1955,

continuing to appear in those proceedings and making a statement at the stage of first and second motion. The respondent also states that she shall not claim any maintenance past, present or future or any permanent alimony from the appellant if the appellant abides by his statement.

In view of the statements made by the parties, the appeal is allowed and order dated 10.12.2015, assessing maintenance to the respondent is set aside on the following terms and conditions:

- a) the parties shall file a petition under Section 13(B) of the Hindu Marriage Act at Jalandhar.*
- b) The parties may if so advised file an application for altering the already pending petition to a petition under Section 13(B) of the Act.*
- c) The respondent shall not claim any permanent alimony or any maintenance past present or future from the appellant.*
- d) The appellant shall withdraw his petition filed under Section 9 of the Hindu Marriage Act.*
- e) The parties shall be at liberty to seek revival of this appeal in case either party fails to abide by its statement.*

(RAJIVE BHALLA)
JUDGE

February 01, 2016
m. sharma

(LISA GILL)
JUDGE