

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

1. CO No.2 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

2. CO No.3 of 2017 (O&M)
Date of decision : 15.11.2017

Chandan Dua

...Petitioner

Versus

Milan Priya

...Respondent

3. CR No.32 of 2016 (O&M)
Date of decision : 15.11.2017

Chandan Dua

...Petitioner

Versus

Milan Priya

...Respondent

4. CR No.1842 of 2016 (O&M)
Date of decision : 15.11.2017

Chandan Dua

...Petitioner

Versus

Milan Priya

...Respondent

5.

CR No.224 of 2016 (O&M)
Date of decision : 15.11.2017

Chandan Dua

...Petitioner

Versus

Milan Priya

...Respondent

6.

CRM-M-40047 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

7.

CRM-M-40048 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

8.

CRM-M-40049 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

9. CRM-M-40050 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

10. CRM-M-40051 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

11. CRM-M-40052 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

12. CRM-M-40053 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

13.

CRM-M-40054 of 2017 (O&M)
Date of decision : 15.11.2017

Milan Priya

...Petitioner

Versus

Chandan Dua

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner-Chandan Dua.

Mr. S.P. Soi, Advocate
for the respondent-Milan Priya.

ANIL KSHETARPAL, J. (ORAL)

CM No.24305-CII of 2017 in CO No.2 of 2017

On 25.10.2017, this Court had passed the following order:-

“C.M.No.22761-CII of 2017 has been filed under Order 6 Rule 17 CPC for amendment of the divorce petition so as to convert it into a joint petition under Section 13-B of the Hindu Marriage Act, 1955. The application is supported by an affidavit.

Both the parties are present before this Court and they admit the correctness of the application for amendment as well as joint petition filed by them.

In view thereof, the application is allowed and the petition filed under Section 13-B of the Hindu Marriage Act,

1955, is taken on record.

Main

During the course of hearing in Civil Revision No.32 of 2016 and other connected petitions, parties had entered into a settlement. A written compromise deed was executed. The written compromise deed has been filed along with the divorce petition, the same is taken on record.

In this case, the parties married according to the Hindu Religious Rites on 18.02.2006. They have been litigating in the Court for almost seven years and living separately as is admitted by them in the joint petition, since 16.02.2011.

As per the settlement arrived at, the parties have agreed to disassociate/separate/set apart peacefully. Parties have also agreed that all the petitions/suits/applications filed against each other shall stand disposed of in terms of the aforesaid compromise.

As per the compromise, the husband-Chandan Dua is required to pay a sum of Rs.5,00,000/- today. Husband has brought a cheque bearing no.330979, dated 24.10.2017, in the name of wife-Milan Priya, which has been handed over to the wife.

Let the statement of first motion be separately recorded.

In view of the statement made, the case is adjourned to 15.11.2017, for second motion.

Wife-Milan Priya undertakes that, in the meantime, she would execute the transfer deed as per the compromise deed with respect to flat/house situated in Faridabad in favour of her husband Chandan Dua, by visiting the office of Sub-Registrar, Faridabad, on 06.11.2017.

The Sub-Registrar, Faridabad, is directed to ensure that he registers the relinquishment deed/transfer deed in

favour of Chandan Dua on the same day, on production of certified copy of this order.”

Pursuant to the aforesaid order, it is admitted by the parties that wife Milan Priya has executed a transfer deed in favour of her husband Chandan Dua.

Through this application, prayer is to waive the period of six months prescribed under Section 13-B(2) of the Hindu Marriage Act for granting the decree of divorce by way of mutual consent. It is not disputed before me that the parties have been living separately since 2011 and a number of litigations have been filed against each other. They have been in the Courts since 2011.

Taking into consideration these facts and the compromise deed filed alongwith petition under Section 13-B of the Act, the period of six months as provided in the Hindu Marriage Act is ordered to be waived.

Application is allowed.

Let the second motion be recorded.

Main Cases

After considering all aspects of the matter, this Court is of the opinion that the parties with their free will and volition, without any pressure have agreed to separate. They pray for grant of decree of divorce by way of mutual consent under Section 13-B of the Act.

Prayer is accepted.

Parties have already filed written compromise deed. The parties shall remain bound by the same.

The marriage between Chandan Dua and Milan Priya is

dissolved by way of a decree of divorce.

In view of the compromise effected between the parties and their statements, which have been recorded at the time of first motion and second motion, all the litigations are also disposed of in terms of the compromise.

It is admitted between the parties that Execution Petition bearing No.72 of 2016 titled as Milan Priya Vs. Chandan Dua filed by Milan Priya is pending in the Family Court at Jalandhar. The aforesaid execution petition shall also be disposed of in terms of the compromise.

On the complaint of Milan Priya, some departmental proceedings were initiated against Chandan Dua. Since, both the parties have compromised, the State shall take a sympathetic view while deciding the complaint.

As per the written compromise deed filed by the parties, Chandan Dua would have a visitation rights at Mediation and Conciliation Centre. However, the place was not specified. It is agreed between the parties that place for meeting the child will be read as Mediation and Conciliation Centre at District Courts, Jalandhar.

A copy of the order as well as the statements be given to the parties.

A deed of compromise shall form a part of the decree.

In view of the above, all the petitions and pending miscellaneous applications are disposed of.

15.11.2017

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**