

FAO-M-124-2012 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO-M-124-2012 (O&M).
Decided on: October 31, 2017.**

Rajpreet Singh

.. Appellant/petitioner No.1

VERSUS

Nirmal Kaur

.. Respondent/petitioner No.2

*** * ***

**CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI
HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

*** * ***

**PRESENT Mr.J.S.Thind, Advocate,
with appellant/petitioner No.1.**

**Ms.Geeta Singhwal, Advocate,
with respondent/petitioner No.2.**

M.M.S. BEDI, J. (ORAL)

The joint petition under Section 13-B of the Hindu Marriage Act, 1955, has been filed by the petitioners seeking dissolution of the marriage between them by a decree of divorce by mutual consent.

FAO-M-124-2012 (O&M)

The marriage between the parties was solemnised on 11.9.1990, as per Hindu rites and from this wedlock, three children were born. Appellant-petitioner No.1 filed a petition for divorce which was dismissed on 14.12.2011 by the Court of learned Additional Disstrict Judge, Ferozepur. Aggrieved by the dismissal of his petition for divorce, appellant-petitioner No.1 filed appeal before this Court and during pendency of the appeal the matter was settled and the appeal was converted to petition under Section 13-B of the Hindu Marriage Act vide order dated 26.4.2017.

Pursuant to compromise EX.CX dated 21.4.2017, statements of the parties at first motion was recorded on 26.4.2017. Statements of the parties at second motion have been recorded today. Petitioner No.2 had agreed to give consent on receipt of a sum of Rs.13 lacs in lump sum towards the price of the dowry articles and permanent alimony. Demand draft of Rs.4 lacs was hand over to petitioner No.2 on 21.4.017. and balance amount of Rs.9 lacs in the shape of bank draft has been handed over to petitioner No.2 today in the Court.

In view of the statements of the parties recorded today, we are satisfied that the marriage between the parties has broken beyond repair and there being temperamental differences between the parties, the petition can be allowed. The divorce petition is allowed without prejudice to the legal rights of the sons born out of the wedlock and without expression of any opinion regarding their custody. The marriage of the parties is dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. Parties will remain bound by their statements and

FAO-M-124-2012 (O&M)

terms of settlement EX.CX. The right of petitioner No.2, Nirmal Kaur, to meet the sons will not be prejudiced, in any manner. There shall be no order as to costs. Decree sheet be prepared accordingly.

(M.M.S. BEDI)
JUDGE

October 31, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No