

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

F.A.O. No. 10044 of 2014

Date of Decision : February 22, 2017

Vinod BatraPetitioner No. 1

AND

Sushma RaniPetitioner No. 2

**CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE H.S. MADAAN**

Present : Petitioner No.1-husband with
Mr. G.S. Lalli, Advocate

Petitioner No. 2-wife
with Mr. Randeep Singh, Advocate

T.P.S. MANN, J.

The petition filed by the husband, namely, Vinod Batra under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955 (for short 'the Act') for decree of divorce on the grounds of cruelty and desertion was dismissed by learned District Judge, Family Court, Faridabad on 22.9.2014.

Aggrieved of the same, the husband filed the present appeal, wherein notice was issued to the wife, namely, Sushma Rani.

On 19.1.2016, the Court directed the parties to appear before the Mediation and Conciliation Centre so as to explore the possibility of a settlement. The mediation turned out to be successful and the parties agreed to get divorce by mutual consent. Accordingly, the parties filed a joint petition under Section 13-B of

the Act. However, the Court directed them to file an application seeking permission to convert the petition originally filed under Section 13 of the Act into one under Section 13-B of the Act. Upon such an application being filed, this Court on 23.8.2016 allowed the application and permitted the parties to convert the petition originally filed under Section 13 of the Act into one under Section 13-B of the Act. Simultaneously, the parties submitted separate statements by way of first motion stating therein that they had settled their matrimonial dispute before the Mediation Centre and in terms of the settlement, a sum of Rs.1,50,000/- has been received by the wife from the husband. They, accordingly, prayed for granting a decree of divorce by mutual consent, more so, when there was no scope of their living together as husband and wife.

The parties have come present to get their statements recorded in second motion. Both the parties have got recorded their separate statements by way of second motion stating therein that they continue to live separate from each other during the last six months and there were no chances of them living together in the matrimonial home, once again. Therefore, their marriage be dissolved by a decree of divorce under Section 13-B of the Act.

Having heard learned counsel for the parties and on going through the statements made by them in the first motion on 23.8.2016 and on the second motion today and taking into consideration the fact that the parties are living separately for the last more than seven years and there are no chances of them living

together in the matrimonial home, once again, this Court is of the view that the request made by the parties for dissolution of their marriage by way of mutual consent under Section 13-B of the Act deserves to be accepted.

Resultantly, the petition is allowed and the marriage of the parties is dissolved by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955 and a decree in that regard is passed. Decree sheet be prepared, accordingly. No costs.

**(T.P.S. MANN)
JUDGE**

February 22, 2017
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**(H.S.MADAAN)
JUDGE**

Whether reasoned/speaking : YES/NO

Whether reportable : YES/NO