

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

**FAO No. 1319 of 2014 (O&M)
Date of Decision: 24.11.2017**

Pushpinder Pal Kaur

..... Appellant

Versus

Sukhdeep Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vijay Sharma, Advocate
for the appellant.

Service upon respondent No. 1 stands
dispensed with vide order dated 06.04.2015.

Respondent No. 2 proceeded *ex parte*
vide order dated 31.10.2014.

None for respondent No. 3.

JASWANT SINGH, J. (ORAL)

Present appeal is directed against the order dated 08.10.2013 passed by learned Additional District Judge, Patiala, whereby the application of appellant-wife for setting aside an *ex parte* judgment and decree of divorce dated 30.08.2011 passed in HMA No. 45 of 24.09.2010, titled as “Swaran Singh Vs. Pushpinder Pal Kaur”, has been dismissed.

Appellant (Pushpinder Pal Kaur) was married to Swaran Singh on 15.06.1983 and after the grant of *ex parte* divorce decree dated 30.08.2011, Swaran Singh had died on 04.11.2011, while working as a Teacher in the Education Department, Govt. of Punjab. Respondent Nos. 1 & 2 are the son and the daughter of appellant respectively and respondent No. 3 is the mother-in-law of the appellant.

During the course of hearing on 29.03.2017, this Court, keeping in view the close relationship between the parties, had referred them for mediation by a Mediator at Sangrur, as the aged mother-in-law was stated to be residing at Sangrur. As per the report dated 25.04.2017 received from the District Legal Services Authority (DLSA), Sangrur, the parties have effected a compromise and executed a written agreement deed dated 24.04.2017, the same is available at '**Flag-A**' and taken on record as **Annexure/Mark-A**. The operative portion of the settlement at Sr No. 6 is as under :-

“ 6) The following settlement has been arrived at between the parties hereto:

Parties enter into compromise with the efforts of Mediation.

- a) It is settled between the parties that the LRs of Swaran Singh deceased have no objection, if the ex-parte judgment and decree dated 30.08.2011 be set aside by the Hon'ble Court.*
- b) It is settled between the parties that whatever the liabilities left by Late S. Swaran Singh towards Bank will be given on priority from the retiral benefits of Swaran Singh.*
- c) It is settled between the parties that whatever is left, after paying liabilities of Swaran Singh deceased will be divided in four equal shares i.e. 1/4th share each amongst 1. Smt. Jagroop Kaur (mother of deceased Swaran Singh); 2. Pushpinder Pal Kaur (wife of deceased Swaran Singh); 3. Sukhdeep Singh (son of deceased Swaran Singh); and 4. Parneet Kaur (daughter of deceased Swaran Singh)*
- d) It is settled between the parties that the family pension of deceased Swaran Singh will be given only to Pushpinder Pal Kaur and no other LR of deceased Swaran Singh will claim from the family pension of deceased Swaran Singh.*
- e) It is settled between the parties that commuted family pension will be divided between Pushpinder Pal Kaur and*

Jagroop Kaur in equal share i.e. one half share each.

- f) All disputes have been settled between the parties and nothing is due against each other.*
- g) It is settled between the parties that appellant Pushpinder Pal Kaur shall withdraw her appeal before the Hon'ble Court.*

Learned counsel for the appellant-wife acknowledges the aforesaid compromise deed dated 24.04.2017 and prays for disposal of the appeal in terms of the aforesaid deed.

In view of the aforesaid circumstances, the present appeal is **disposed of as infructuous**, in light of the terms of the compromise deed dated 24.04.2017 **(Mark-A)**.

The parties shall be bound by their respective stand as taken.

November 24, 2017

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>