

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1611 of 2017 (O&M)
Date of decision: March 09, 2017

Mohit

..... Appellant

Versus

Jyoti

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present:- Mr. Mohit Garg, Advocate
for the appellant.

Mr. G.R. Nagar, Advocate, Hissar
for the respondent.

M. JEYAPPAUL, J. (ORAL)

CM-5302-CII-2017

There is a delay of 19 days in filing the appeal.

Notice in CM.

Mr. G.R. Nagar, Advocate took notice on behalf of the
respondent-wife and files Vakalatnama.

We are convinced with the reasons assigned for the delay. The
application is allowed.

CM-5303-CII-2017

The application is allowed and exemption as sought for is
granted.

FAO No.1611 of 2017

Appellant-husband has challenged the dismissal of the petition
filed jointly under Section 13-B of the Hindu Marriage Act by himself and
his wife seeking divorce by mutual consent.

On a careful perusal of the impugned order passed by the trial Court, we find that the appellant-husband did not appear during second motion and as a result of which, the trial Court chose to dismiss the petition filed under Section 13-B of the Hindu Marriage Act.

Notice of motion.

Mr. G.R. Nagar, Advocate, Hissar filed Vakalatnama for the respondent and appeared for her.

It is submitted by learned counsel appearing on either side that the matter is now settled between the parties and the appellant as well as respondent are prepared to appear before the trial Court for suffering statements in second motion.

In view of the above and also in the interest of justice, the impugned order dated 10.01.2017 passed by learned trial Court stands set aside.

Both the parties are directed to appear before the trial Court for suffering statements in second motion on 17.04.2017.

Appeal stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(DEEPAK SIBAL)
JUDGE

March 09, 2017
Dinesh Bansal

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No