

FAO-M-196-2015 (O&M)

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

FAO-M-196-2015 (O&M)

Date of Decision: November 27th, 2017

Kuldeep Singh

...Appellant/petitioner No.1

Versus

Mandeep Kaur

...Respondent/petitioner No.2.

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

Present: Mr. V.K. Sandhir, Advocate
for appellant/petitioner No.1.

Mr. Om Pal Sharma, Advocate
for respondent/petitioner No.2.

AUGUSTINE GEORGE MASIH, J.

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. Learned counsel appearing for the parties submit that the matter has been amicably settled and the statements of the parties at first motion stage have already been recorded.

We have given our thoughtful consideration to the matter.

The marriage between the petitioners was solemnized as per Sikh ceremonies on 24.02.2012 at Amritsar. Due to the matrimonial disputes between the parties, Kuldeep Singh-petitioner No.1, on 26.11.2013, filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage by decree of divorce. The petition of Kuldeep Singh-petitioner

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No.1 was dismissed on 27.03.2015. Aggrieved by the same, Kuldeep Singh-petitioner No.1 filed an appeal i.e. FAO-M-196-2015 in this Court.

Notice of motion in the appeal was issued by this Court on 12.05.2015.

During the pendency of the appeal, the matter was resolved between the parties. They agreed to seek divorce by filing a joint petition for dissolution of their marriage by mutual consent on payment of ₹ 7,00,000/- towards permanent alimony to petitioner No.2-Mandeep Kaur. Accordingly, a joint petition was filed seeking divorce by mutual consent.

Statements of both the parties were recorded at the first motion on 03.11.2017. The parties have been living separately from the last 5/6 years. Both the parties stated that they have agreed to dissolve their marriage by mutual consent. As per the settlement, an amount of ₹ 4,00,000/- in the shape of bank draft was handed over by petitioner No.1-Kuldeep Singh to petitioner No.2-Mandeep Kaur, out of the total amount of ₹ 7,00,000/-. The balance amount of ₹ 3,00,000/- has also been paid to petitioner No.2-Mandeep Kaur in the shape of bank draft at the time of second motion.

At the second motion, both the parties have reiterated that the marriage between the petitioners be dissolved by a decree of divorce by mutual consent as it is not feasible for them to reside together as husband and wife. They have also prayed that the statutory period of six months as mandated under the provisions of Section 13 (2) (b) of the Hindu Marriage Act may be waived off so that they could re-settle the life after being free

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from each other.

This Court is satisfied that the averments in the petition are true that the petitioners are residing separately for more than one year and that they are not able to live together as husband and wife due to temperamental differences and that they have mutually agreed about dissolution of their marriage for which they have entered into a settlement/compromise. There appears to be no coercion etc. and their statements have been given voluntarily.

In view of the above facts and circumstances and keeping in view the statements of the parties, the joint petition for grant of divorce by mutual consent filed under Section 13-B of the Hindu Marriage Act, 1955, is allowed. The marriage between the parties shall stand dissolved by a decree of divorce by mutual consent. There shall be no order as to costs.

Their prayer for waiving off the statutory period of six months for grant of decree of divorce by mutual consent is accepted in the light of the judgment of Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur, 2017 (4) R.C.R. (Civil) 608.**

Decree sheet be prepared accordingly.

Counsel for petitioner No.1-Kuldeep Singh, in view of the joint petition for divorce by mutual consent being allowed, has stated that the appeal i.e. FAO-M-196-2015 filed by him, has been rendered infructuous and may accordingly be dismissed as such.

Counsel appearing for petitioner No.2-Mandeep Kaur submits that he has no objection to the same.

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Appeal i.e. FAO-M-196-2015 is dismissed as having been rendered infructuous. All the misc. applications are also disposed of.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

November 27th, 2017
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No