

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

107

FAO No.2248 of 2017 (O&M)
Date of Decision: April 3rd, 2017

Samriti

...Appellant

Versus

Sunil Kumar

...Respondent

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

Present: Mr. Ram Pal Verma, Advocate
for the appellant.

M. JEYAPPAUL, J. (ORAL)

Heard the submissions made by learned counsel appearing for the appellant.

Appellant-wife has challenged the decree of divorce passed by the trial Court under Section 13-B of the Hindu Marriage Act on a joint petition filed by both the parties. Now, it is alleged that respondent-husband has obtained a decree under Section 13-B of the Hindu Marriage Act by playing fraud upon the appellant.

It is a well settled proposition of law that a party who challenges a decree passed by the competent Court on the ground that it has been obtained by fraud, shall file an independent suit challenging it on the above ground.

Under such circumstances, counsel appearing for the appellant seeks permission to withdraw the appeal with liberty to file a separate suit to challenge the decree passed under Section 13-B of the Hindu Marriage Act.

Appeal is dismissed as withdrawn with liberty as sought for.

**(M. JEYAPPAUL)
JUDGE**

April 3rd, 2017
Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

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