

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.M-179 of 2016 (O&M)

Date of decision: April 05, 2017

Bharat Kumar

..... Appellant

Versus

Rajni Bala

..... Respondent

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

Present:- Mr. Parminder Singh, Advocate for the appellant.

Ms. Alisha Soni, Advocate for the respondent.

M. JEYAPPAUL, J. (ORAL)

Appellant and the respondent jointly filed a petition under Section 13-B of the Hindu Marriage Act, 1955 before the trial Court seeking divorce by mutual consent. Both the parties suffered statements in first motion before the trial Court on 16.10.2015. As agreed between the parties, appellant also paid a sum of ₹ 2,20,000/- to the respondent-wife towards permanent alimony and other claims but when the case was taken up by the trial Court for recording statements in second motion on 16.04.2016, the respondent-wife backed out from the compromise and as a result of which, the trial Court dismissed the petition filed jointly under Section 13-B of the Hindu Marriage Act.

Appellant has preferred the present appeal challenging the dismissal of the petition jointly filed under Section 13-B of the Hindu Marriage Act. The matter was referred to Mediation and Conciliation Centre of this Court by us. Before the Mediation and Conciliation Centre of this Court, both the parties amicably settled their matrimonial dispute and also entered into a settlement/agreement dated 13.02.2017. In terms thereof, appellant agreed to pay a sum of ₹ 1,70,000/- to both the children born out of

the wedlock over and above the amount of ₹ 2,20,000/- already paid by him to the respondent-wife during first motion before the trial Court. Out of the said amount of ₹ 1,70,000/-, appellant has brought two demand drafts amounting to ₹ 25,000/- each in the name of his daughter Tamana and Yukti. Respondent has undertaken to deposit that amount in the account of those two children. Appellant has also undertaken that he would bring the remaining amount of ₹ 1,20,000/- in the shape of bank drafts in the name of both the children during second motion on 26.07.2017 to enable the respondent to make a Fixed Deposit in the name of both the children. Respondent also agreed to withdraw all the prosecution/litigation launched by her against the appellant and his family members.

In view of the above development in this case, in the interest of justice, we are pleased to set aside the judgment passed by the trial Court under Section 13-B of the Hindu Marriage Act and direct both the parties to appear before the trial Court on 26.07.2017 to suffer their respective statements in second motion. Thereupon, the trial Court shall pass judgment afresh in the petition jointly filed by them under Section 13-B of the Hindu Marriage Act, 1955.

The appeal stands disposed of accordingly.

CM-6803-CII-2017

CM stands dismissed as infructuous as the main appeal itself has been disposed of today.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

April 05, 2017
Dinesh Bansal

Whether speaking/reasoned	Yes
Whether Reportable	No