

FAO-M-214 of 2016

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

FAO-M-214 of 2016**Date of Decision: January 23, 2017****Harsimran Singh**

...Appellant

Versus

Sukhjinder Kaur

...Respondent

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

Present: Mr. Amit Arora, Advocate
for the appellant.

Mr. M.S. Sidhu, Advocate
for the respondent.

M.JEYAPPAUL, J.(ORAL)

Aggrieved by the dismissal of the petition jointly filed by petitioner No.1 and petitioner No.2, the appeal has been preferred by petitioner No.2. In fact, both the parties compromised their matrimonial dispute and filed a petition under Section 13-B of the Hindu Marriage Act before the trial Court. Petitioner No.2 had agreed to pay a sum of ₹ 12,40,000/- out of which, an amount of ₹ 6,40,000/- was paid during first motion before the trial Court by petitioner No.2 to petitioner No.1. As petitioner No.1 backed out from the compromise, petition under Section 13-B was dismissed by the trial Court. Petitioner No.2 has preferred the present appeal.

We referred the present case to the Mediation and Conciliation Centre where both the parties again compromised their matrimonial dispute.

Instead of ₹ 12,40,000/- which were to be paid by petitioner No.2 to

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petitioner No.1 before the trial Court, petitioner No.2 has now agreed to pay a total amount of ₹ 21,00,000/- including ₹ 6,40,000/- which has already been paid by him to petitioner No.1 towards permanent alimony, maintenance of the child born out of the wedlock and all other claims. A sum of ₹ 14,60,000/- in the shape of bank draft and banker's cheque was handed over by petitioner No.2 to petitioner No.1 in the Court.

Parties have been living separately for the past long four years. They have amicably settled their matrimonial dispute. A total sum of ₹ 21,00,000/- was received by petitioner No.1 towards permanent alimony, maintenance of the child born out of the wedlock and all other claims. They have also suffered statements in 2nd motion. We are of the view that the averments found in the petition have been truthfully made by the parties concerned. There is no scope of their living together as husband and wife, as stated by petitioner No.1 and petitioner No.2. Therefore, a decree of divorce by mutual consent from the Court concerned, as prayed for, is granted. Decree sheet be prepared.

Appeal stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

January 23, 2017
Harish

Whether speaking/reasoned:	Yes
Whether Reportable:	No