

FAO-M-221-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO-M-221-2016 (O&M).
Decided on: December 6, 2017.**

Gagandeep Singh

.. Petitioner No.1

VERSUS

Harpreet Kaur

.. Petitioner No.2

*** * ***

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

*** * ***

**PRESENT Mr.Narinder Kumar Vadhera, Advocate,
with petitioner No.1.**

**Mr.Sandeep Godara, Advocate,
with petitioner No.2.**

M.M.S. BEDI, J. (ORAL)

The marriage between the parties was solemnised on 5.10.2011, as per Sikh rites and ceremonies and from this wedlock, there is no issue. Petitioner No.1 filed a petition for divorce which was dismissed on

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23.2.2016, by the Additional District Judge, Gurdaspur. Aggrieved by the dismissal of his petition for divorce, petitioner No.1 filed appeal before this Court.

During pendency of the appeal, the matter was settled between the parties and the appeal was permitted to be converted into a petition under Section 13-B of the Hindu Marriage Act vide order dated 31.5.2017.

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.

Pursuant to compromise EX.CX dated 20.12.2016, statements of the parties at first motion was recorded on 31.5.2017. Statements of the parties at second motion have been recorded today. Petitioner No.2 has agreed to give consent for divorce on receipt of a sum of Rs.4 lac in lump sum towards the price of the dowry articles and permanent alimony. Demand draft of Rs.2 lac was hand over to petitioner No.2 on 31.5.2017. and balance amount of Rs.2 lac has been paid to petitioner No.2 today in the Court. The parties have also returned the gold ornaments as per settlement arrived at between them and have reiterated that on account of temperamental differences, it is not possible for them to live together and they consent for dissolution of marriage under Section 13-B of the Hindu Marriage Act.

We are satisfied that the marriage between the parties has broken beyond repairs and there being temperamental differences between

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the parties. The parties having complied with the terms and conditions of settlement dated 20.12.2016, the petition can be allowed. The divorce petition is allowed and the marriage of the parties is dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. Parties will remain bound by their statements and terms of settlement EX.CX dated 20.12.2016. There shall be no order as to costs. Decree sheet be prepared accordingly.

(M.M.S. BEDI)
JUDGE

December 6, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No