

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

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CM No.12201-CII of 2017 in/and
FAO No.M-431 of 2016

Date of Decision: December 14th, 2017

Anoop Raj Singh @ Anup Raj 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. H.S. Deol, Advocate
for petitioner No.1.

Mr. Ajay Pal Singh, Advocate
for petitioner No.2.

AUGUSTINE GEORGE MASIH, J.

CM No.12201-CII of 2017

The joint petition 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 respective petitioners submit that the matter has been amicably settled and the statement of the parties at both the motions have been recorded.

We have given our thoughtful consideration to the matter.

The marriage between the petitioners was solemnised as per Sikh Rites at Ludhiana on 23.01.2011. Due to matrimonial disputes between them, Anoop Raj Singh-petitioner No.1 on 04.03.2013 filed a petition seeking dissolution of the marriage between the parties. The petition of Anoop Raj Singh-petitioner No.1 was dismissed. Aggrieved by the same, Anoop Raj Singh-petitioner No.1 filed an appeal i.e. FAO-M-431 of 2016

in this Court.

Notice of motion was issued by this Court on 05.12.2016.

During the pendency of the appeal, the matter was resolved between the parties and they agreed to seek divorce by filing a joint petition for dissolution of their marriage by mutual consent on the terms and conditions that were agreed upon. Accordingly vide settlement agreement Ex.CX, a joint petition i.e. CM No.12201-CII of 2017 was filed for seeking divorce by mutual consent. The statements of both the parties were recorded at the first motion on 30.05.2017. The parties have been living separately with effect from 20.02.2013. Both the parties stated that they have agreed to dissolve their marriage by mutual consent.

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. Their statements at the second motion were recorded on 14.12.2017.

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 for 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 facts and circumstances and keeping in view the statements of the parties, the join petition i.e. CM No.12201-CII of 2017 for grant of divorce by mutual consent is allowed.

The marriage between the parties shall stand dissolved by a decree of divorce by mutual consent. The parties shall remain bound by the terms and conditions of settlement/compromise Exhibit CX agreed upon by them, which shall form part of the decree. There shall be no order as to costs.

Decree sheet be prepared accordingly.

FAO No.M-431 of 2016

Counsel for petitioner No.1-Anoop Raj Singh submits that in view of the joint petition for divorce by mutual consent being allowed, the appeal i.e. FAO No.M-431 of 2016 filed by petitioner No.1-Anoop Raj Singh has been rendered infructuous and may accordingly be dismissed as such.

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

Accordingly, the appeal i.e. FAO No.M-431 of 2016 is dismissed as having been rendered infructuous.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

December 14th, 2017
Puneet

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No