

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

**FAO No. M-435 of 2016 (O&M)
Decided on : 30.05.2017**

Mamta Rani

. . . Appellant

Versus

Surjit Kumar

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

PRESENT: Mr. Aseem Kataria, Advocate
for the appellant-wife.

Ms. Sonal, Advocate
for the respondent-husband.

AJAY KUMAR MITTAL, J. (Oral)

In this appeal filed under Section 28 of the Hindu Marriage Act, 1955 (in short 'the Act'), challenge is to the impugned judgment dated 01.12.2015, whereby, petitioner No.2 (herein respondent-husband) had withdrawn the petition filed under Section 13B of the Act, in view of statements recorded separately. Now, the aforesaid order has been impugned before this Court in the present appeal.

2. It was stated that there is possibility of amicable settlement between the parties. It is, however, observed that in case there is any settlement, then there is no embargo on the parties to file a fresh petition under Section 13B of the Act or to settle the dispute amicably.

3. In view thereof, there is no merit in the present appeal and is hereby dismissed accordingly.

4. In view of dismissal of the appeal, no orders are required to be passed on the application under Section 5 of the Limitation Act, 1963, as the same is left open.

**(AJAY KUMAR MITTAL)
JUDGE**

**(HARINDER SINGH SIDHU)
JUDGE**

May 30, 2017

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No