

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

(107)

**FAO-M-187-2017 (O&M)
Decided on: August 11, 2017.**

Beant Kaur

.... Appellant

Versus

Satvir Singh

..... Respondent

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

Present: Mr. Deepak Agnihotri, Advocate, for the appellant.

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

Vide order dated 04.07.2017, the marriage of the appellant with respondent had been dissolved by a decree of mutual consent under Section 13-B of the Hindu Marriage Act. The said order has been challenged by the appellant on the ground that a fraud has been played on the Court by misleading the Court and that consent of the appellant has been fraudulently obtained.

It is averred in the grounds of appeal that the appellant had given her consent on the premise that the document would be used for registration of the marriage. It is also averred in the grounds of appeal that the parties have been meeting during the period of separation, the appellant being unaware of the proceedings of divorce.

After considering the facts and circumstances of the case, we are of the opinion that instead of filing an appeal, the remedy available to the appellant is to file an application before the Court which has granted the divorce by mutual consent. All the pleas raised in the appeal can always be raised before the said Court.

The appeal is dismissed as not maintainable without prejudice to the right of the appellant to avail the above said remedy in accordance with law, if advised so.

Counsel for the appellant submits that there are certain typographical and factual errors in the judgment apparent on the record. The said errors can always be got rectified by moving appropriate application before the Court below.

(M.M.S. BEDI)
JUDGE

August 11, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No