

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

217

FAO-M-309-2008 (O&M)

(converted to petition u/s 13-B
of Hindu Marriage Act 1955)

Date of Decision: 23.08.2018

MEENAKSHI GOYAL

....Petitioner No.1.

And

MUKESH KUMAR AGGARWAL

...Petitioner No.2.

CORAM:- HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. D.C. Mittal, Advocate for petitioner No.1.

Mr. Amrita Nagpal, Advocate for petitioner No.2.

ANUPINDER SINGH GREWAL, J.

The appellant-wife had challenged the judgment dated 21.10.2008 passed by the District Judge, Chandigarh, whereby petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') filed by her husband for decree of divorce on the ground of cruelty and desertion, had been allowed.

2. This Court had sent the matter to the Mediation Centre for exploring the possibility of an amicable settlement on 22.11.2017. The Mediation Centre by its report dated 10.01.2018 informed that the parties had settled their dispute and a copy of the settlement (Ex. CX) was placed on record.

3. In view of the settlement arrived at between the parties, this Court had permitted the appeal to be converted into a petition under Section 13-B of the Act in the eventuality of the parties filing an application along with a joint petition under Section 13-B of the Hindu Marriage Act.

4. Subsequently, civil miscellaneous application bearing CM No.3149-CII-2018 was allowed and petition under Section 13-B of the Hindu Marriage Act was taken on record by the order dated 19.02.2018.

5. The parties appeared before this Court on 19.02.2018 and the statements of the husband and wife were recorded. Petitioner No.1 in her statement had stated that during pendency of the appeal, they had entered into settlement dated 10.01.2018 (Ex.CX) before the Mediation and Conciliation Centre and in terms thereof, petitioner No.2 has deposited a sum of ₹ 14 lakh in the account of petitioner No.1 and ₹ 13 lakh in the account of their daughter Suhani through NEFT/RTGS. She has undertaken to withdraw all the cases filed against petitioner No.2 and in case, any case is pending, she shall withdraw the same by the next date of hearing. It was also stated that their marriage has broken down beyond repair, due to which, it was not possible for them to stay together and the marriage had irretrievably broken down and therefore, it should be dissolved by decree of divorce by mutual consent.

6. Petitioner No.2 had stated that the statement of petitioner No.1 is correct and he had paid a total sum of ₹ 27 lakh in the account of petitioner No.1 and their daughter. He had admitted the settlement and stated that the marriage had indeed been broken beyond repair and it should be dissolved by decree of divorce on mutual consent. He had also

stated that there were no chances of reunion as they were living separately since August 1993.

7. The parties are present in Court today as well and their statements have been recorded separately at second motion stage. They have adhered to their first statements and undertaken to comply with their obligations in terms of settlement Ex.CX.

8. In view of the statements of the parties as well as the settlement Ex.CX, we are satisfied that the marriage has irretrievably broken down and there are no chances of any reunion as all efforts for reconciliation have failed. We are also satisfied that the parties have entered into settlement for dissolving their marriage by mutual consent on their own volition, without any undue pressure or influence.

9. Therefore, the petition is allowed. The marriage between the parties is ordered to be dissolved by decree of divorce through mutual consent. The parties shall remain bound by terms of settlement Ex.CX. Parties to bear their own costs.

10. Decree sheet be prepared accordingly.

(M.M.S. BEDI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

23.08.2018

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO