

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

201

FAO-M-327-2009 (O&M)
Date of Decision: 30.10.2018

GUDDI DEVI

....Appellant.

Vs.

BASANT SINGH

.... Respondent.

**CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. A.K. Goel, Advocate
for the appellant.

Mr. B.K. Bagri, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from an order dated 31.1.2008 passed by the Additional District Judge, Sonapat, by which, petition filed by the respondent-husband under Section 13(1) (ia) and (ib) of the Hindu Marriage Act, 1955 (for short 'the Act'), was allowed *ex parte*.

The present appeal was filed after the delay of 552 days and it is submitted that in the meantime, the respondent has remarried. It is also submitted that the appellant had registered one criminal case against him in Sri Ganga Nagar (Rajasthan) in which they had entered into a compromise which is now placed on record along with CM No.17019 of 2018. According to the respondent, a sum of ₹ 2,50,000/- has been paid to the appellant-wife towards the maintenance and full and final settlement not only for her but also for the minor daughter Kajal who has been given in custody of the appellant. It is further submitted by him that

it was transpired before the Court at Sri Ganga Nagar that the appellant would withdraw all cases pending against the respondent.

Sh. Amit Kumar Goyal, Advocate appearing on behalf of the appellant has submitted that though he had sought time on 14.8.2018 to confirm about the terms of the settlement as alleged by the counsel for the respondent but so far there is no contact with the appellant.

We have heard learned counsel for the parties and after examining the record, we are of the opinion that in view of the compromise dated 21.5.2015, which has been arrived at between the parties, in the Court at Sri Ganga Nagar, this appeal can be disposed of as withdrawn but with a rider that in case it is, ultimately, informed that there was no compromise arrived at between the parties then the appellant may file an application for recalling this order.

Thus, the present appeal is hereby dismissed as withdrawn but with liberty to the appellant that in case it is, ultimately, found that there was no compromise arrived at between the parties as stated by the counsel for the respondent, then the appellant may file an application for recalling of this order for the purpose of revival of the appeal.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

30.10.2018.
SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO