

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

**F.A.O.-M-258 of 2010 (O&M)
(Converted into petition u/s 13-B of
the Hindu Marriage Act, 1955)**

Date of Decision: 16.05.2018

1. Parvinder Kumar alias Parvinder Singh

....Petitioner No.1.

2. Pawanjit @ Pawanjeet

....Petitioner No.2.

Petition under Section 13-B of the
Hindu Marriage Act, 1955 for
dissolution of marriage by decree of
divorce through mutual consent.

**(converted from Appeal vide order
dated 17.08.2017)**

***CORAM:- HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE HARI PAL VERMA***

Present:- Petitioner no.1 in person with
Mr. Kushaldeep Singh Sandhu, Advocate

Petitioner no.2 in person with
Mr. Gurmeet Singh, Advocate

HARI PAL VERMA, J.

The present petition under Section 13-B of the Hindu
Marriage Act, 1955 (for short, “the Act”) has been filed jointly by the
parties and pursuant to permission granted by this Court vide order dated
17.08.2017, the proceedings in the appeal which was filed by Parvinder

Kumar @ Parvinder Singh (husband), were allowed to be converted into a

petition under Section 13-B of the Act. In the aforesaid appeal, challenge was laid to dismissal of the petition filed on behalf of petitioner no.1 under Section 13 of the Act by the Court of learned Additional District Judge, Hoshiarpur vide judgment and decree dated 05.06.2010.

Briefly stated, marriage between the parties was solemnized on 01.03.2000 as per Sikh rites. After the marriage, both the parties stayed together as husband and wife, but no child was born out of this wedlock. It has been averred that petitioner no.2-wife, who was an NRI, was already having a child from her first marriage. After the marriage, both the petitioners stayed at Village Bullowal for about two weeks. Thereafter, petitioner no.2-wife took the petitioner no.1-husband to Italy after taking a huge amount of money from him, where they lived as husband and wife. However, petitioner no.2 started treating petitioner no.1 with cruelty. She compelled the petitioner no.1 not to bear a child, as she was already having one child. Thereafter, both the petitioners came to India, but there was no change in the behaviour of petitioner no.2. Many a times, panchayats were convened to sort out the matter, but to no avail. Ultimately, the petitioner no.1-husband filed a divorce petition under Section 13 of the Act, however, the same was dismissed by the Family Court vide judgment and decree dated 05.06.2010. It has also been averred that a divorce petition was also filed by petitioner no.2 against petitioner no.1 but the same was dismissed in default on 26.02.2009, as the petitioner no.2 did not put in appearance.

Aggrieved from the judgment and decree dated 05.06.2010 passed by the Family Court, petitioner no.1-husband Parvinder Kumar alias

Parvinder Singh has preferred the instant appeal. However, on a civil miscellaneous application having been filed jointly on behalf of the parties, the said appeal was converted into a petition under Section 13-B of the Act. Accordingly, both the parties were called for first motion hearing on 15.11.2017 vide order dated 17.08.2017 of this Court.

On 15.11.2017, both the parties had appeared in person and got their statements recorded, whereby they have sought dissolution of marriage by a decree of divorce by mutual consent, as there is no chance of their reunion on account of their temperamental differences. Their matter was, thereafter, adjourned for recording second motion statements of the parties for today i.e. 16.05.2018.

Today, when the matter was again taken up, both the petitioners are present. They have reiterated their stand for getting their marriage dissolved by mutual consent and their statements to this effect have again been recorded. Petitioner no.1-Parvinder Kumar @ Parvinder Singh has stated that he has not changed his mind and is ready for separation on account of temperamental differences and sought dissolution of their marriage by a decree of divorce on mutual consent. Petitioner no.2 – Pawanjit, in her statement, also stated that she has not changed her mind and is ready for separation on account of temperamental differences and sought dissolution of their marriage by a decree of divorce on mutual consent.

In view of the aforesaid statements, we are satisfied that the marriage between the parties has been irretrievably broken down and there are no chances of any reunion and that all the efforts for reconciliation have

failed. We are also satisfied that the parties, out of their free will and consent and without any undue pressure, have entered into a settlement for dissolving their marriage by mutual consent.

Consequently, the petition merits acceptance and is hereby accepted. The marriage between the parties is ordered to be dissolved by a decree of divorce through mutual consent. Decree sheet be prepared. Parties to bear their own costs.

(M.M.S. BEDI)
JUDGE

(HARI PAL VERMA)
JUDGE

May 16, 2018
AK

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No