

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

FAO No.1218 of 2013 (O&M)
DATE OF DECISION : 17th MAY, 2018

Naresh

.... Appellant

Versus

Smt. Meena

.... Respondent

FAO NO.1219 of 2013 (O&M)

Suresh

.... Appellant

Versus

Smt. Meenakshi

.... Respondent

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE B. S. WALIA**

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Present : Mr. Rose Gupta, Advocate for the appellant(s).

Mr. S. K. Chauhan, Advocate for the respondent(s).

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A. B. CHAUDHARI, J. (Oral)

1. These two appeals have been filed by the parties to the litigation namely Naresh and Suresh and their wives Meena and Meenakshi respectively.

2. The counsel for the rival parties submit that two real brothers were married to two real sisters, who are the parties in these two appeals. They further submit that unfortunately the parties have been residing separately for the last ten years and therefore, there is no likelihood of retrieval of matrimonial tie and that is why this Court was

pleased to make order dated 07.02.2018 converting both these appeals into the petitions for divorce by mutual consent contemplated under Section 13-B of the Hindu Marriage Act, 1955. Pursuant to the said order made by this Court as aforesaid for conversion into petition under Section 13-B of the Hindu Marriage Act, the Court ordered recording of statements at the first blush and the statements were accordingly recorded. The Court thereafter put today's date as the returnable date. Today again the parties with their counsel appeared before the Court and they submit that in terms of judgment of the Hon'ble Supreme Court in the case of ***Amardeep Versus Harveen Kaur, 2017 (8) SCC 746***, cooling off period may kindly be waived off. We have gone through the said supreme Court judgment and we find that in the wake of the fact that both the husbands and wives are residing separately for the last ten years, there is hardly any point in keeping their marriage in existence. The counsel for the parties jointly state that amount by way of permanent alimony to the extent of 5 lacs each for each wife has been arrived at by way of settlement, out of which 2,50,000/- each were earlier paid and today the demand drafts No.050464 and 050465 amounting to ₹2,50,000/- each for the two wives have been brought and handed over to counsel for both the wives.

3. The statements of both the parties have also been recorded separately today in each case by the Reader of this Court by way of reconfirmation and signatures of both the parties have also been obtained on the statements. The statements along with copy of the drafts shall

form part and parcel of the record of these cases and the same are marked as 'X' for identification.

4. In the light of the above factual matrix, we think there should not be any difficulty in allowing these converted petitions from the appeals for grant of divorce by mutual consent contemplated by Section 13-B of the Hindu Marriage Act. We therefore make the following order.

ORDER

- (i) FAO No.1218 of 2013 and FAO No.1219 of 2013 ordered to be converted as petition under Section 13-B of the Hindu Marriage Act, are allowed.
- (ii) The marriages solemnized between Naresh s/o Dalip Singh and Meena d/o Ram Kumar; Suresh s/o Dalip Singh and Meenakshi d/o Ram Kumar stand dissolved by mutual consent by a decree under Section 13-B of the Hindu Marriage Act, 1955.
- (iii) Both Naresh and Suresh shall pay ₹20,000/- each to their respective wives by way of demand drafts, as litigation expenses, within a period of four weeks.
- (iv) Decree be drawn up accordingly in both the cases.

(A. B. CHAUDHARI)
JUDGE

17th MAY, 2018
'raj'

(B. S. WALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>