

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-M-35-2012

Date of Decision : 10.08.2018

Kavita

...Appellant

Versus

Jitender

...Respondent

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

Present: Mr. Ram Chander, Advocate for the appellant.

 Mr. Abhilaksh Grover, Advocate for the respondent.

M.M.S. Bedi, J.(Oral)

Aggrieved by the decree of divorce granted to the respondent-husband, the appellant-wife has preferred this appeal.

The respondent-husband has levelled allegations of cruelty as well as adultery but the allegations of adultery levelled are not in consonance with the requirement of the Rules 6 and 10 of the Hindu Marriage (Punjab) Rules, 1956 framed under Section 21 of the Hindu Marriage Act, 1955, which requires that adultery should be made a party. Rule 10 of the aforesaid Rules makes it mandatory that alleged adulterer should be made a party to the proceedings.

In view of said circumstances, the plea of adultery raised by the respondent-husband is liable to be dismissed. However, at this stage, the respondent-husband present in the Court submits in the

Court that he withdraws the allegations of adultery.

In view of the allegations of adultery having been withdrawn by the respondent-husband, the appellant-wife present in the Court, has submitted that in case a sum of ₹10,60,000/- (which would included upto date arrears of maintenance pendente lite) is paid to her as permanent alimony, she would withdraw the present appeal.

The amount of ₹10,60,000/- has been handed over to the appellant-wife present in the Court today in the shape of a bank draft of ₹10 lac and ₹60,000/- in cash.

In the above circumstances, the appeal is dismissed as withdrawn.

It has been decided by the parties that custody of the minor child born out of the wedlock, will remain with the respondent-husband.

Copy of the settlement/compromise deed, which has been arrived at between the parties has been taken on record. The parties will remain bound by the terms and conditions of the settlement.

(M.M.S. BEDI)
JUDGE

August 10, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? Yes
Whether reportable? No