

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.M-2 of 2013 (O & M)
Date of Decision: 26.11.2018

Ganesh Singh

.....Petitioner No.1

and.

Asha Singh

..... Petitioner No.2

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

Present: - Petitioner No.1 in person with
Mr. Ashwani Verma, Advocate

Petitioner No.2 in person with
Mr. Siddharth Pandit, Advocate

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from the judgment and decree dated 22.09.2012 passed by the learned Additional District Judge, Chandigarh by which the petition filed by the appellant-husband under Section 13 (1) (1A) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of his marriage with the respondent by way of a decree of divorce, was dismissed.

The appeal was admitted on 22.01.2015. Thereafter the proceedings under Section 13-B of the Act were initiated by the parties. The first motion statements of the parties were recorded on 19.10.2016 and the matter was posted for recording the statements of the parties at second motion stage on 04.05.2017. The parties have decided to part-ways by taking divorce by way of mutual consent after arriving at a compromise

which was reduced into writing on 19.10.2016. One of the condition of the compromise is that the appellant would keep on depositing ₹4,500/- per month in the account of the respondent-wife till her life time. An order in this regard was also recorded on 09.02.2018 which reads as under:-

“The appellant present in the Court has undertaken that amount of ₹4,500/- per month will be continued to be deposited in the account of the respondent.

As the parties are not sure about the implementation of the condition, hence, they sought time for extension of period prescribed under Section 13-B (2) of the Hindu Marriage Act as the consent given has not been withdrawn by any of the parties till date.

In view of undertaking of the appellant, adjourned to 05.07.2018 for second motion statements.”

On 05.07.2018, the case was adjourned for today for recording the statements of the parties at the second motion stage.

Both the parties are present in Court today and their statements have been recorded separately at the second motion stage. We have asked both of them separately as to whether they are still ready and willing to part ways by way of a decree of divorce in terms of the settlement. Both the parties have stated that they do not want to live together and are sticking to their statements made at the first motion stage.

Thus, in view thereof, the present petition, filed under Section 13-B of the Act, is hereby allowed and the marriage of the parties which was performed on 11.03.2001 is hereby dissolved by a decree of divorce by

Decree sheet be prepared accordingly.

Before parting, the Registry is directed to send the copy of this order to the Chief Manager, PNB, CPPC, PCDA (P) Campus, Draupadi Ghat, Allahabad and to the Principal Controller of Defence Accounts (Pensions), Draupadighat, Allahabad in order to ensure that the amount of ₹4500/- per month be deducted from the pension account of the appellant and be deposited in the account of the respondent i.e. Punjab National Bank Account No.1659000106432854.

It is also made clear that in case the amount of ₹4500/- is not paid or deposited in the account of the respondent then the respondent would be at liberty to file an appropriate application for recalling of this order.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

26.11.2018
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No