

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

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FAO-M-201-2013 (O&M)

(converted to petition u/s 13-B
of Hindu Marriage Act 1955)

Date of Decision: 06.07.2018

NIRMLA

....Petitioner No.1.

And

SATPAL

...Petitioner No.2.

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

Present: Mr. S.K. Verma, Advocate for petitioner No.1.

Mr. Sant Lal Barwala, Advocate for petitioner No.2.

ANUPINDER SINGH GREWAL, J.

The appellant-wife had challenged the judgment dated 13.03.2013 passed by the District Judge, whereby her petition under Section 13 of the Hindu Marriage Act for decree of divorce on the ground of cruelty and desertion, had been dismissed.

2. This Court had sent the matter to the Mediation Centre for exploring the possibility of an amicable settlement on 03.04.2017. The Mediation Centre by its report dated 04.07.2017 informed that the parties had settled their dispute and a copy of the settlement Ex. CX was placed on record.

3. In view of the settlement arrived at between the parties, this Court had permitted the appeal to be converted into a petition under

Section 13-B of the Hindu Marriage Act in the eventuality of the parties filing an application along with a joint petition under Section 13-B of the Hindu Marriage Act.

4. Subsequently, civil miscellaneous application bearing CM No.21429-CII-2017 was allowed and petition under Section 13-B of the Hindu Marriage Act was taken on record by the order dated 13.10.2017.

5. The parties appeared before this Court on 02.12.2017 and the statements of the husband and wife were recorded. The petitioner No.1 in her statement had stated that during pendency of the appeal, they had entered into settlement dated 04.07.2017 (Ex.CX) before the Mediation and Conciliation Centre and in terms thereof, a sum of ₹ 7 lakh has been deposited in the FDR account of their daughter Sanjita by petitioner No.2. She has withdrawn all the cases filed against petitioner No.2 and in case, any case is pending, she shall withdraw the same by the next date of hearing. It was also stated that there had been temperamental differences, due to which, it was not possible for them to stay together and the marriage has irretrievably broken down and therefore, it should be dissolved by decree of divorce by mutual consent.

6. The petitioner No.2 had stated that the statement of petitioner No.1 is correct and he has paid a sum of ₹ 7 lakh in the account of their daughter. He had admitted the settlement and stated that the marriage has indeed been broken on account of temperamental differences and it should be dissolved by decree of divorce on mutual consent. He has also stated that there are no chances of reunion on account of temperamental differences.

7. The parties were present in Court today as well and their statements have been recorded separately at second motion stage. They have adhered to their first statements and undertaken to comply with their obligations in terms of settlement Ex.CX. Petitioner No.2-husband has also stated that in case any application is filed before the Corporation Bank, Bhuna by Sanjita, a fresh FDR of the amount of ₹ 7 lakh and the amount of interest accrued thereon will be made exclusively in the name of Sanjita or in the joint name of Sanjita and Nirmala.

4. In view of the statements of the parties as well as the settlement Ex.CX, we are satisfied that the marriage has irretrievably broken down and there are no chances of any reunion as all efforts for reconciliation have failed. We are also satisfied that the parties have entered into settlement for dissolving their marriage by mutual consent on their own volition, without any undue pressure or influence.

9. Therefore, the petition is allowed. The marriage between the parties is ordered to be dissolved by decree of divorce through mutual consent. The parties shall remain bound by terms of settlement Ex.CX. Decree sheet be prepared accordingly. Parties to bear their own costs.

10. The application under Section 24 of the Hindu Marriage Act is disposed of as infructuous.

(M.M.S. BEDI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

06.07.2018

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO