

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

**F.A.O.-M-31 of 2014 (O&M)
(Converted into petition u/s 13-B of
the Hindu Marriage Act, 1955)**

Date of Decision: 25.05.2018

1. Rakesh Kumar Sekhri

....Petitioner No.1.

2. Sunayana

....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 17.11.2017)**

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

Present:- Petitioner no.1 in person with
Mr. Amit Dhawan, Advocate

Petitioner no.2 in person with
Mr. Vijay Lath, 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
17.11.2017, the proceedings in the appeal which was filed by Rakesh

Kumar Sekhri (husband), were allowed to be converted into a petition under Section 13-B of the Act.

Briefly stated, marriage between the parties was solemnized on 14.07.2004 as per Hindu rites. After the marriage, both the parties cohabited with each other as husband and wife and out of this wedlock, one male child namely Puneet was born on 05.09.2005, who is residing with petitioner no.2-wife. It has been averred that due to temperamental differences between the petitioners, the couple could not pull on together and their marriage could only survive till 12.03.2006 and since then, they are living separately. Petitioner no.1-husband filed a divorce petition under Section 13 of the Act for dissolution of marriage by decree of divorce on the ground of mental cruelty. However, the same was dismissed by the Family Court vide judgment and decree dated 28.11.2013. Aggrieved from the judgment and decree dated 28.11.2013 passed by the Family Court, petitioner no.1-husband Rakesh Kumar Sekhri has preferred the instant appeal. Vide order dated 14.09.2017, this Court has referred the matter to Mediation and Conciliation Centre of this Court to resolve their disputes amicably, whereby both the petitioners, vide settlement/agreement dated 11.10.2017, agreed to dissolve their marriage by way of mutual consent, as they have drifted miles away from each other and there is no possibility of their re-union. Thereafter, 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 put in appearance at first motion hearing on 17.11.2017 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. Therefore, the matter was adjourned for recording second motion statements of the parties for today i.e. 25.05.2018.

Today, when the matter was again taken up, both the petitioners are present. They have reiterated their stand for getting their marriage dissolved by way of mutual consent and their statements to this effect have again been recorded. Petitioner no.1-Rakesh Kumar Sekhri 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 – Sunayana, 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 of the parties, 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 25, 2018
AK

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No