

In the High Court of Punjab and Haryana at Chandigarh.

FAO – M – 415 of 2014

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

Date of Decision:- February 5, 2018

1. Harmesh Lal son of Shri Ram Krishan, aged 38 years, resident of village Bapraur, Tehsil Rajpura, District Patiala

.....Petitioner No. 1

2. Sukhwinder Kaur, aged 30 years, wife of Sh. Harmesh Lal, d/o Sh. Swaran Singh, resident of village Chalheri, Tehsil Rajpura, District Patiala.

.....Petitioner no. 2

Petition u/s 13-B of Hindu Marriage Act
1955 for dissolution of marriage by
decree of divorce through mutual consent.

(converted from Appeal vide order dt. 27.7.2017)

CORAM: Hon'ble Mr. Justice M.M.S. Bedi
Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Kehar Singh Hissowal, Advocate, for Petitioner no.1.
Mr. Sanjeev Sharma, Advocate, for Petitioner no.2.

Gurvinder Singh Gill, J.

1. The present petition under section 13-B of the Hindu Marriage Act 1955 was filed by parties pursuant to permission granted by this Court, vide order dated

27.7.2017, to convert the appeal initially filed by Harmesh Lal(husband) challenging dismissal of his petition under section 13 of the Hindu Marriage Act 1955, by Court of learned Additional District Judge, Patiala vide judgement and decree dated 20.9.2014.

2. It is averred in the petition that the marriage of the parties was solemnized on 28.4.2007 as per the sikh rites and ceremonies and the parties lived together for a short while at village Bapraur at the residence of petitioner No. 1. However no child was born out of the wedlock.
3. It is averred that the marriage did not work out well as there were temperamental differences between the petitioners and despite efforts made by the petitioners and their relatives, they could not live together and started residing separately about 7 years back and that their marriage has irretrievably broken down.
4. Ultimately petitioner No. 1 filed a petition under section 13 of Hindu Marriage Act, 1955, seeking dissolution of marriage which was dismissed. During pendency of appeal filed in this Court, the parties were referred to Mediation Centre where a settlement was effected amongst the parties on 2.6.2017 and petitioner no. 1 agreed to pay an amount of ₹ 7 lakhs to petitioner No. 2 as permanent alimony in lieu of dissolution of marriage by mutual consent. Pursuant to the said settlement, permission was granted to the parties to convert their appeal to a petition under section 13-B of the Hindu Marriage Act, 1955. Statements of both the petitioners were recorded on 27.7.2017 wherein they categorically stated that they had agreed to dissolve their marriage by mutual consent as their marriage had broken down beyond repair

and it was not possible for them to reside together. An amount of ₹ 3,50,000/- was paid to petitioner No. 2 by petitioner No. 1. Petitioner no. 2 further undertook to pay the remaining amount of ₹ 3.5 lakhs on the next date of hearing. Both the petitioners thus expressed consent for dissolving their marriage by mutual consent. The matter was thereafter adjourned for recording the 2nd motion statements of the parties.

5. Today, when the matter was again taken up, both the petitioners were present who reiterated their stand for getting their marriage dissolved by mutual consent and their statements to this effect were again recorded. Petitioner no. 1 stated that he had paid another amount of ₹ 3,50,000/- to petitioner no. 2 as balance of the permanent alimony besides an amount of ₹ 60,000/- towards the cost of jewellery articles and that his marriage may be dissolved as there are no chances of reunion amongst the petitioners. Petitioner no. 2 Sukhvinder Kaur in her statement admitted having received the above stated amounts and also reiterated that there are no chances of reunion with petitioner no.1 on account of their temperamental differences.
6. In view of the aforesaid statements, we are satisfied that the marriage between the parties has 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 and that the terms of the settlement as regards payment of permanent alimony have been duly honoured.
7. 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

(Gurvinder Singh Gill)
Judge

February 5, 2018
kamal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No