

FAO-1765 of 2017(O&M)
Date of Decision: 15.10.2018

Rajneesh Sharma

---Appellant

versus

Sunil Airi

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Appellant in person
Mr. Vijay Lath, Advocate
for the appellant

Mr. Vishal, Advocate,
for the respondent

Rekha Mittal, J.

The present appeal directs challenge against order dated 18.11.2016 whereby application under Order 9 Rule 13 of the Code of Civil Procedure (in short “the Code”) for setting aside ex parte judgment and decree dated 17.12.2012 whereby decree of divorce was passed in favour of the respondent-husband and order dated 14.9.2012 vide which the appellant was proceeded ex parte in divorce proceedings, has been dismissed.

Counsel for the parties are *ad idem* that matrimonial dispute between the parties has been settled by way of settlement/agreement dated 8.1.2018 effected with intervention of Mediator in the Mediation and Conciliation Centre of this Court.

In view of settlement/agreement, the respondent-husband has

agreed to pay a sum of Rs. 10,00,000/- to the appellant-wife.

PARAMJIT KAUR SAINI
Counsel for
I attest to the accuracy and
integrity of this document

the appellant would state that a sum of Rs. 5,00,000/- out of Rs. 10,00,000/- was already received by the appellant-wife and the remaining amount of Rs. 5,00,000/- has been received by her in the Court by way of two demand drafts (photocopy of the same is taken on record). He would further say that observations/findings recorded by the Additional District Judge, Hoshiarpur in judgment dated 17.12.2012 that “appellant due to mental disorder, abused the respondent-petitioner and his parents on each and every occasion will also amount to cruelty” may be struck off and the appeal may be disposed of as per the terms and conditions settled between the parties vide settlement/agreement dated 8.1.2018.

Counsel for the respondent has got no objection if the aforesaid findings in judgment dated 17.12.2012 are struck off and the appeal is disposed of in view of the settlement/agreement dated 8.1.2018.

In view of the above, appeal stands disposed of in terms of settlement/agreement dated 8.1.2018. The parties shall remain bound by the terms and conditions of settlement/agreement. The ex parte decree of divorce dated 17.12.2012 granted in favour of the respondent is upheld but subject to deletion of the following observations:-

“ appellant due to mental disorder, abused the respondent-petitioner and his parents on each and every occasion will also amount to cruelty”.

(Rekha Mittal)
Judge

15.10.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No