

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

104

FAO-M-179-2015

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

Date of Decision: 04.10.2018

MANU VIDHYA-BHUSHAN BATURA

....Petitioner No.1.

and

GEETANJALI MANU BATURA

...Petitioner No.2.

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

Present: Petitioner No.1 in person with
Mr. Vineet Mehta, Advocate.

Petitioner No.2 in person with
Mr. Ashok Bhardwaj, Advocate.

ANUPINDER SINGH GREWAL, J.

The appellant-wife has challenged the judgment dated 11.2.2015 passed by the Additional District Judge, Chandigarh whereby petition under Section 13-1(ia) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') filed by the respondent-husband had been allowed.

2. During pendency of the appeal, the parties have entered into an amicable settlement for getting the marriage dissolved by a decree of divorce by mutual consent.

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.18341-CII-2018 was allowed and petition under Section 13-B of the Hindu Marriage Act was taken on record by the order dated 30.08.2018.

5. The parties appeared before this Court on 30.08.2018 and the statements of the husband and wife were recorded at first motion stage. Petitioner No.1 in his statement had stated that on account of temperamental differences, it has not been possible for them to stay together after 22.6.2009. He admitted his signatures on the settlement Ex.CX and stated that they agreed to part company subject to the terms mentioned in the settlement Ex.CX. He had also handed over a bank draft of ₹ 30 lakh to petitioner No.2 and undertook to pay remaining amount of permanent alimony and dowry articles as per settlement on the next date of hearing. He had prayed that the marriage should be dissolved by a decree of divorce by mutual consent.

6. Petitioner No.2 had admitted the statement of petitioner No.1. She had admitted her signatures on settlement Ex.CX and had also undertaken to abide by the terms of the settlement. She had acknowledged the receipt of sum of ₹ 30 lakh by way of bank draft in the Court and had urged that their marriage should be dissolved by a decree of divorce by mutual consent at first motion stage.

7. Thereafter, application (CM-21110-CII-2018) under Section 51 CPC seeking waiving off the statutory waiting period of 6 months and for preponing the date of hearing was filed, which was allowed today in the light of the observations in Amardeep Singh Vs.

Harveen Kaur, 2017(4) R.C.R. (Civil) 608 and the appeal is taken up for hearing today by preponing it from 06.03.2019 for recording the statements of the parties at second motion stage.

8. The parties are present in Court today as well. Statement of petitioner No.1 has been recorded at second motion stage, wherein he, as per the terms of settlement Ex.CX, paid a sum of ₹ 30 lakh in the shape of two bank drafts to petitioner No.2. He also stated that he has not changed his mind and prayed for dissolution of marriage on mutual consent. Similarly, petitioner No.2 made her statement that she has received a sum of ₹ 30 lakh by way of two bank drafts today in court. Thus, she being in receipt of ₹ 60 lakh as permanent alimony, ₹ 30 lakh received on 30.08.2018, has stated that she has not changed her mind and their marriage being broken beyond repair be dissolved by decree of divorce on mutual consent.

9. In view of the statements of the parties, we are satisfied that the parties have been living separately for a long duration and efforts of reunion have completely failed. Parties have genuinely settled their differences regarding alimony and other pending issues. There is no child born out of the wedlock. They have not changed their mind and got their statements recorded at second motion stage. Marriage has irretrievably broken down and there are no chances of reunion. 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.

10. 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 their statements.
Decree sheet be prepared accordingly. Parties to bear their own costs.

(M.M.S. BEDI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

04.10.2018
SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO