

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

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**FAO-M-185-2015 (O&M)**

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

**Date of Decision: 26.09.2018**

**ANUPAM SHARMA**

**....Petitioner No.1.**

**and**

**CHAHAT KAUSAL**

**...Petitioner No.2.**

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

Present: Petitioner No.1-Anupam Sharma in person with  
Ms. Ameena Singh Advocate for  
Mr. Vikram Anand, Advocate.

Petitioner No.2- Chahat Kausal in person with  
Mr. Rakesh Chopra, Advocate.

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**ANUPINDER SINGH GREWAL, J.**

The appellant-wife has challenged the judgment dated 17.10.2014 passed by the Additional District Judge, Fatehgarh Sahib whereby petition under Section 12(1) (c) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') filed by her for declaring marriage between the parties to be illegal, null and void and in alternative, if the court comes to the conclusion that marriage between the parties was duly solemnized, then marriage be dissolved by decree of divorce under Section 13 of the Act, had been dismissed.

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.5470-CII-2018 was allowed and petition under Section 13-B of the Hindu Marriage Act was taken on record by the order dated 21.03.2018.

5. The parties appeared before this Court on 21.03.2018 and the statements of the husband and wife were recorded at first motion stage. Petitioner No.1 in her statement had stated that they had been living separately since the year 2010 on account of temperamental differences. She entered into a settlement with petitioner No.2 vide agreement Ex. CX, which bears her signature. She had also submitted that there are no chances of re-union between them and therefore, it should be dissolved by a decree of divorce on mutual consent.

6. Petitioner No.2 had admitted that they have been living separately since the year 2010. He entered into the settlement with petitioner No.1 vide agreement Ex. CX and had undertaken to abide by the terms of the settlement. He had also submitted that there being no chances of re-union as the marriage has broken down beyond repair, their marriage should be dissolved by a decree of divorce on mutual consent.

7. The parties are present in Court today as well. Their joint statement has been recorded separately at second motion stage wherein they have stated that they have not changed their mind and have admitted the terms of settlement Ex.CX which bears their signatures.

8. In view of the statements of the parties, we are satisfied that the marriage has irretrievably broken down and there are no chances of any 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.

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

**(M.M.S. BEDI)**  
**JUDGE**

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**26.09.2018**

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO