

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

219

FAO-M-451-2015 (O&M)

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

Date of Decision: 27.08.2018

AMRITA MANN

....Petitioner No.1.

And

CHARANJEEV SINGH MANN

...Petitioner No.2.

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

Present: Petitioner No.1-Amrita Mann in person with
Mr. Ranjan Lakhanpal, Advocate.

Petitioner No.2- Charanjeev Singh in person with
Mr. Gurjinder Singh Chahal, Advocate

ANUPINDER SINGH GREWAL, J.

The appellant-wife had challenged the judgment dated 04.09.2015 passed by the Additional District Judge, Chandigarh whereby petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') filed by her for grant of decree of divorce on the ground of cruelty and desertion, 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.3304-CII-2018 was allowed and petition under Section 13-B of the Hindu Marriage Act was taken on record by the order dated 16.02.2018.

5. The parties appeared before this Court on 16.02.2018 and the statements of the husband and wife were recorded at first motion stage. Petitioner No.1 in her statement had stated that she had been living separately for the last more than 13 years. It was also stated that on account of temperamental differences, it is not possible for them to stay together and their marriage has broken down and therefore, it should be dissolved by decree of divorce by mutual consent. She had also undertaken that she will not claim any maintenance and withdraw legal proceedings, if any, for grant of maintenance.

6. Petitioner No.2 had stated that the statement of petitioner No.1 is correct. He has admitted that they have been living separately for the last more than 13 years. He had also stated that the marriage should be dissolved by decree of divorce on mutual consent and the child namely Ekam born out of the wedlock will stay with Amrita Mann-petitioner No.1.

7. The parties are present in Court today as well and their statements have been recorded separately at second motion stage. They have adhered to their first statements and undertaken to comply with their obligations including custody of the child.

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

27.08.2018
SwarnjitS

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