

In the High Court of Punjab and Haryana at Chandigarh

FAO-M-306-2016 (O&M)

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

Date of decision: March 09, 2018

1. Pawandeep Kaur d/o Sh. Sucha Singh r/o House No.279/13, Mohalla Gopal Nagar, Gurdaspur, at present residing at 4G/208, Hobson Street, Auckland, Post Code-1010, Auckland City, New Zealand.

.....Petitioner No. 1

2. Parveen Kumar s/o Sh. Bihari Lal r/o H.No.53-C, Railway Road, Nanga, District Ropar.

.....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.
31.8.2017)

**CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present : Mr. Vipin Mahajan, Advocate for petitioner No.1.

Mr. Vishal Munjal, Advocate for petitioner No.2.

GURVINDER SINGH GILL, J.

1. Petitioners Pawandeep Kaur and her husband Parveen Kumar have filed this petition under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter

referred to as 'the Act') seeking dissolution of their marriage by passing a decree of divorce by mutual consent.

2. It may here be mentioned that initially petitioner No.1 Pawandeep Kaur filed a petition under Section 13 of the Act seeking dissolution of marriage with petitioner No.2 Parveen Kumar on the ground of cruelty and desertion which was dismissed *ex parte* by the learned Additional District Judge, Gurdaspur vide judgement and decree dated 18.4.2016. Aggrieved with dismissal of petition, petitioner No.1 challenged the judgement and decree by filing an appeal in this Court.
3. During pendency of the appeal, the parties reached at a settlement to get their marriage dissolved by mutual consent. Vide order dated 31.8.2017 an application for converting the proceedings of the appeal into petition under Section 13-B of the Act was accepted and a joint petition filed by the parties under Section 13-B of the Act was taken on record. Statement of father of petitioner No.1 Pawandeep Kaur and of petitioner No.2 Parveen Kumar was recorded on the first motion. Sh. Sucha Singh, father of petitioner No.1 stated that he holds General Power of Attorney of his daughter Pawandeep Kaur who is residing abroad and that the parties have amicably settled the matter to get their marriage dissolved as they have been residing separately since 30.4.2012 and that no child has been born out of the wedlock. He further stated therein that Pawandeep Kaur would herself appear in the Court on second motion stage to affirm her consent. Petitioner No.2 Parveen Kumar also stated identically to the effect that due to temperamental differences, it is not feasible for them to stay together as husband and

wife and that the marriage may be dissolved by a decree of divorce by mutual consent.

4. Today, both the parties are present in person. Petitioner No.1 Pawandeep Kaur stated that she was married to petitioner No.2 Parveen Kumar on 22.4.2012 and that on account of temperamental differences they have been residing separately w.e.f. 30.4.2012 and that the marriage had broken down beyond repair. She further deposed that she had authorized her father to make statement on her behalf on 31.8.2017 and that the said statement may be considered as the statement made by her. She further stated therein that she had made her statement voluntarily without any threat or undue pressure and that the marriage may be dissolved by passing a decree of divorce by mutual consent. Petitioner No.2 Parveen Kumar also made an identical statement to the effect that there are no chances of reunion and that the marriage may be dissolved by passing a decree of divorce by mutual consent.
5. On perusal of the statements, recorded before this Court, we are satisfied that the parties, with their free will, have decided to dissolve their marriage as they have been unable to pull on together. Despite a period of 6 months having elapsed, none of the parties has withdrawn from the earlier statement for getting their marriage dissolved by mutual consent. It is apparent that the marriage has broken down irretrievably and there are no chances of reunion amongst the parties. As such, no useful purpose would be served by forcing the parties in the matrimonial bond, which in fact has completely broken down. Petition as such merits acceptance and is hereby accepted. The marriage between the parties is hereby dissolved by passing a decree of

divorce by mutual consent.

6.
- Decree sheet be prepared. Parties to bear their own costs.

(M.M.S. Bedi)
Judge

(Gurvinder Singh Gill)
Judge

March 09, 2018

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