

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

(232)

FAO-M-415-2016

Date of Decision: July 13, 2018.

Shipra

.... Appellant

Versus

Jatinder Sethi

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. G.S. Brar, Advocate, for the appellant.

Mr. J.S. Khattar, Advocate, for

Mr. Deepak Sharma, Advocate, for the respondent.

M.M.S. BEDI, J (ORAL)

The appellant-wife had filed a petition for divorce before the lower Court which was dismissed on 15.09.2016. During pendency of her appeal before this Court, the parties have agreed before the Mediator to get the marriage dissolved by a decree of divorce. Parties have already filed a petition under Section 13-B of the Hindu Marriage Act, before the District Court.

It has been informed that a sum of Rs.4 lakh, out of the agreed amount of Rs.9 lakh, has been paid by the respondent-husband towards the lump sum alimony at first motion hearing with an agreement that a sum of Rs.5 lakh will be paid to the appellant-wife at second motion stage.

In view of said circumstances, counsel for both the parties submit that the appeal can be disposed of as infructuous with liberty to the appellant-wife to seek revival of the present appeal, in case of non-compliance of the terms of the settlement arrived at between the parties by the respondent-husband.

The appeal is disposed of as having rendered infructuous without prejudice to the right of the appellant-wife to seek revival of this appeal, in case of non-compliance of the terms of the settlement by the respondent-husband.

It is observed here that it will be open to the parties to move any application before the lower Court for seeking waiver of the statutory period under Section 13-B (2) of the Hindu Marriage Act as per the judgment in *Amardeep Singh Vs. Harveen Kaur (2017) SCC 1073*.

(M.M.S. BEDI)
JUDGE

July 13, 2018
harsha

(ANUPINDER SINGH GREWAL)
JUDGE

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