

In the High Court of Punjab and Haryana at Chandigarh

FAO-M-447-2016 (O&M)
*(converted to petition u/s 13-B
of Hindu Marriage Act 1955)*

Date of decision: March 20, 2018

1. Vikrant Sharma son of Surinder Sharma, resident of 1854-D, Shastri Nagar, Majitha Road, Amritsar.

.....*Petitioner No.1*

Versus

2. Meenu daughter of Late Sh. Ramesh Sharma, resident of 5 Friends Colony, Ferozepur City.

.....*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. 14.9.2017)

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

Present : Mr. Abhilaksh Grover, Advocate with petitioner No.1.

Ms. Puja Chopra, Advocate with petitioner No.2.

GURVINDER SINGH GILL J.

1. This order shall dispose of a joint petition under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as '*the Act*') filed by the petitioners namely Vikrant Sharma and Meenu seeking dissolution of their marriage by way of mutual consent.
2. A few facts necessary to notice are that initially petitioner no. 2 Meenu had

filed a petition under Section 13 of the Act in the Court of learned Additional District Judge, Ferozepur seeking dissolution of her marriage with petitioner No. 1 Vikrant Sharma on ground of cruelty which was accepted vide judgment and decree dated 31.8.2016. Aggrieved with the same, the husband i.e. petitioner no. 1 Vikrant Sharma challenged the same by filing an appeal in this Court. During pendency of this appeal, the parties amicably resolved their issues and agreed to dissolve their marriage by mutual consent. An application for converting the appeal into a petition under Section 13-B of the Act was filed which was allowed by this Court vide order dated 14.9.2017 and the petition under Section 13-B of the Act was taken on record.

3. Statements of both the petitioners were recorded on 14.9.2017. Petitioner no. 1 Vikrant Sharma stated therein that he and petitioner no. 2 have been residing separately since September, 2013 and that no child was born out of the wedlock and that they have now decided to dissolve their marriage by mutual consent and that he undertakes to deposit a sum of ₹ 11 lacs towards permanent alimony. Petitioner no. 2 Meenu also made an identical statement endorsing therein that they had mutually decided to dissolve their marriage by mutual consent. Pursuant to the said statements, petitioner no. 1 paid an amount of ₹ 4 lacs to petitioner no. 2, as has been recorded in order dated 24.11.2017.
4. Today, the petitioners are present in person and pursuant to a brief interaction with both of them, we find that both of them are still firm on their decision to dissolve their marriage by way of mutual consent. Statements of both the petitioners have been recorded on the second motion. Petitioner no. 1 Vikrant Sharma stated that he has paid the balance amount of ₹ 7 lacs in the shape of

bank draft and that he adheres to his earlier statement dated 14.9.2017.

Petitioner No. 2 Meenu stated that she has received an amount of ₹ 7 lacs and that her marriage may be dissolved by passing a decree of divorce as they have not cohabited after September, 2013.

5. In view of the aforesaid statements, we are satisfied that the petitioners have mutually decided to dissolve their marriage out of their free will and consent and without their being any kind of pressure or coercion. The petitioners have been residing separately since the year 2013. Despite a period of six months having been afforded to the petitioners, after their statements were recorded on the first motion, none of the petitioners has withdrawn consent for dissolving the marriage by mutual consent. In these circumstances, the petition merits acceptance. Accordingly, the joint petition filed by both the petitioners under Section 13-B of the Act is hereby accepted and marriage of the petitioners is hereby dissolved by passing a decree of divorce by mutual consent.
6. Decree sheet be prepared. Petitioners are left to bear their own costs.

(M.M.S.Bedi)
Judge

(Gurvinder Singh Gill)
Judge

20.3.2018

Kamal

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No