

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.79 of 2017 (O & M)
Date of Decision: 26.11.2018

Disha Bhardwaj

.Petitioner No.1

and.

Puneet Kumar Verma

.Petitioner No.2

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present: - Petitioner No.1 in person with
Mr. Adarsh Jain, Advocate

Petitioner No.2 in person with
Mr. Nihul Pratap Singh, Advocate

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from the judgment and decree dated 22.11.2016 passed by the learned District Judge, Family Court-I, Faridabad by which petition filed by the appellant-wife under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of her marriage with the respondent by way of a decree of divorce was dismissed.

The parties to the lis were married on 29.11.2011. They lived together as husband and wife till 05.03.2012. During the pendency of the appeal, their matter was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of a compromise between them. The parties entered into a written compromise on 27.08.2018. Thereafter an application for conversion of the appeal into a petition under Section 13-B of the Act was filed for seeking divorce by mutual consent. Pursuant to the application, statements of both the parties at the first motion stage were recorded separately on 31.10.2018, in which they have stated that because of

have also acknowledged the settlement.

Today, both learned counsel for the parties have prayed that the statutory period of six months may be waived of for the purpose of recording the statements of the parties at second motion stage in order to pass a decree of divorce. In this regard a reference has been made to the case of **Amandeep Singh vs. Harveen Kaur, 2017 (4) RCR (Civil) 608.**

We have again asked both husband and wife, who are present in Court as to whether they still wanted divorce by way of mutual consent to which they have given their consent voluntarily. Thus, keeping in view the aforesaid facts and circumstances, especially the fact that the parties to the lis, who got married on 29.11.2011 and are living separately since 05.03.2012, we waived off the condition of six months for recording the statements at the second motion stage, their statements at the second motion stage is recorded today separately and are taken on record.

Thus, in view thereof, the present petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, performed on 29.11.2011, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

26.11.2018
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No