

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

246

FAO-M-143-2017 (O&M)

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

Date of Decision: 31.07.2018**SUDHENDU ARORA****....Petitioner No.1.****And****NINA SHARMA****...Petitioner No.2.**

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

Present: Mr. Munish Bhardwaj, Advocate for petitioner No.1.

Mr. M.S. Rana, Advocate for petitioner No.2.

ANUPINDER SINGH GREWAL, J.

The appellant-husband had challenged the judgment and decree dated 19.04.2017 passed by the Additional District Judge, Kapurthala, whereby his petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') seeking dissolution of his marriage on the grounds of desertion and cruelty, had been dismissed.

2. This Court had sent the matter to the Mediation Centre for exploring the possibility of amicable settlement on 06.02.2018. The Mediation Centre by its report dated 07.05.2018 informed that the parties had settled their dispute and a copy of the settlement Ex. CX was placed on record.

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 Act in the eventuality of the parties filing an application along with a joint petition under Section 13-B of the Act.

4. Subsequently, civil miscellaneous application bearing CM No.9491-CII-2018 was allowed and petition under Section 13-B of the Act was taken on record by the order dated 10.05.2018.

5. The parties appeared before this Court on 28.05.2018 and the statements of husband and wife were recorded. Petitioner No.1 in his statement had stated that during pendency of the appeal, they had entered into settlement dated 30.04.2018 (Ex.CX) before the Mediation and Conciliation Centre and in terms thereof, a sum of ₹ 4 lakh has been paid in the shape of demand draft to petitioner No.2. Petitioner No.1 had agreed that the custody of minor child-Aditya shall remain with Petitioner No.2. It was also stated that there had been temperamental differences, due to which, it was not possible for them to stay together and the marriage has irretrievably broken down and therefore, it should be dissolved by decree of divorce by mutual consent.

6. Petitioner No.2 had stated that the statement of petitioner No.1 was correct and he had paid a sum of ₹ 4 lakh in the shape of demand draft to her. She had admitted the settlement Ex. CX and stated that the marriage has indeed been broken on account of temperamental differences and it should be dissolved by decree of divorce by mutual consent.

7. The parties are present in Court today as well and their statements have been recorded separately at second motion stage. They

have reiterated their statements recorded at first motion stage and have undertaken to comply with their obligations in terms of settlement Ex.CX.

8. In view of the statements of the parties as well as the settlement Ex.CX, we are satisfied that the marriage has irretrievably broken down and there are no chances of any reunion as all efforts for reconciliation have failed. We are also satisfied that the parties have entered into settlement Ex. CX 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 terms of settlement Ex.CX.

10. Decree sheet be prepared accordingly. Parties to bear their own costs.

(M.M.S. BEDI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

31.07.2018

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Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO