

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

FAO-M-218 of 2018 (O&M)
Date of Decision: July 20, 2018

Sangeeta KatnoriaAppellant

Vs.

Satbir Singh KatnoriaRespondent

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

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Present: Mr. G.S. Sidhu, Advocate for the appellant.
Ms. Puneet Kaur Sekhon, Advocate for the
caveator- respondent.

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

Vide judgment dated January 23, 2018 the lower Court has allowed a petition under Section 13-B of the Hindu Marriage Act, for short 'the Act', filed by Satbir Singh Katnoria and Sangeeta Katnoria.

The wife has approached this Court for setting aside the order dated January 23, 2018 on the ground that her consent was obtained under undue influence, threat and coercion. Statements of the parties of first motion were recorded on December 13, 2017 thereafter the case was deferred to July 4, 2018 for recording the second motion. The appellant wife got six months period waived off by moving an application which she claimed has got signed from her under threat. A sum of Rs.15 lacs obtained by the appellant as permanent alimony has been returned to the husband by depositing the same in his account on May 16, 2018 by a cheque of the event date. The respondent- husband is present in the Court.

Let be issued to the respondent.

Notice has been accepted by Ms.Puneet Kaur Sekhon, counsel for the caveator- respondent.

Counsel for the respondent submits that she has got instructions to state that the husband has got no objection to the condonation of delay or allowing of the appeal.

On account of statement of the respondent, the delay in filing of the appeal is condoned. Application stands disposed of.

We have recorded the joint statement of both the parties in the Court. We have no objection in case the judgment and decree dated January 23, 2018⁷ is set aside as it had not been passed with the free consent of the parties. The circumstances under which the consent was given stands explained in the ground of appeal.

In the statement, the both parties have stated that “with the intervention of the family members and well-wishers, we have started living together. In view of the amount of the permanent alimony having been returned, both of us withdraw consent for divorce by mutual consent. The present appeal be decided the matter having been compromised.”

We have, in peculiar circumstances of this case are satisfied that both the parties had withdrawn their consent and the judgment and decree obtained by them by getting the period under Section 13 B of the Act, waived off, under the misunderstanding and under undue influence of each other for the circumstances explained in the Court. There is no bar in permitting the parties to withdraw their consent. This Court has got jurisdiction to permit the parties to amicably settle the dispute in the light of

the spirit of Section23 (2) of the Act and dispose of the appeal as having been compromised on withdrawal of the claim by both the parties in the light of Order 23 Rule 3 CPC as the amount of permanent alimony received by the wife has been returned pursuant to the compromise arrived at between the parties.

We have recorded the statement of the parties as per provisions of Order 23 Rule 3 CPC and the proviso added by amendment dated January 23, 1981 as applicable in Punjab, Haryana and Chandigarh.

The appeal is disposed of on the basis of compromise having been arrived at between the parties as mentioned hereinabove. The judgment and decree dated January 23, 2018 passed by the Additional District Judge, Chandigarh under Section 13-B of the Act is hereby set aside. Both the parties present in the Court have left together with the assurance that they will continue to stay as husband and wife, henceforth.

(M.M.S. BEDI)
JUDGE

July 20, 2018
sanjay

(ANUPINDER SINGH GREWAL)
JUDGE

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