

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

FAO No. M-275 of 2018 (O&M)

Date of Decision: 19.11.2018

SARABJIT KAUR

....Appellant

VS.

HARBHAJAN SINGH

...Respondent

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

Present: Mr. Sukjit Singh, Advocate,
 for the applicant-appellant.

 Ms. Arshdeep Kaur, Advocate,
 for the non-applicant/respondent.

RAKESH KUMAR JAIN, J. (ORAL)

CM-21714-CII-2018

This application is filed for condonation of delay of 3484 days in filing the appeal.

For the reasons mentioned in the application, same is allowed and the delay of 3484 days in filing the appeal is hereby condoned.

CM-21715-CII-2018

Application is allowed as prayed for.

MAIN CASE

This appeal has arisen from the judgment and decree dated 15.12.2008 passed in the petition filed under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), by which the marriage of the parties to the *lis* was dissolved by a decree of divorce by way of a mutual consent.

Learned counsel for the appellant has submitted that the parties have two children and keeping in view their welfare and future, they have decided to live together. Learned counsel for the respondent has also made the similar statement and both of them have prayed that this appeal may be allowed and the judgment and decree granted by the trial Court may be set aside.

Although, the judgment and decree dated 15.12.2008 is based upon the mutual consent of the parties but keeping in view the fact that both of them have decided to live together in the interest of their minor children who have been instrumental in their re-union, we are of the considered opinion that it would be an exceptional case for the purpose of setting aside the judgment and decree passed by the trial Court on the basis of the aforesaid facts and circumstances as the Court would always lean towards protecting the marriage from being dissolved. The prayer made in the appeal by both learned counsel for the parties is, thus, allowed and the judgment and decree dated 15.12.2008 is hereby set aside.

Decree sheet be prepared accordingly.

[RAKESH KUMAR JAIN]
JUDGE

November 19, 2018

Ess Kay

[ANUPINDER SINGH GREWAL]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No