

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

**FAO-M-12-2019 (O&M)
Decided on : 26.07.2019**

Satwinder Kaur

... Appellant(s)

Versus

Narinder Pal

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Argued by: Ms. Rajni Maurya, Advocate for
Mr.Naveen Batra, Advocate, for the appellant(s).

None for the respondent(s).

MANJARI NEHRU KAUL, J.

The challenge in the instant appeal was to the judgment and decree dated 28th September, 2018, passed by the Ld. Additional Civil Judge, Sr. Divn., Dasuya, (hereinafter referred to as 'Ld. Court below') vide which a decree for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') had been passed in favour of the respondent.

A few facts necessary for adjudication of the case, as narrated in the petition filed by the respondent-husband before the Ld. Court below may be noticed. The marriage between the parties was solemnized on 23rd June, 2010 as per the Sikh rites and rituals at Village Raghuwal, Tehsil Dasuya, District Hoshiarpur. Out of the said wedlock, one male child namely Karandeep was born. It was the second marriage of both the parties. Respondent-husband has son namely Akashdeep, aged about 11 years, from his first marriage. The parties had been living separately in Village Khairabad, where, the respondent-husband has his own electricity shop. The appellant-wife along with her younger son Karandeep one fine day went to her parents home without any reasonable cause

and without informing the respondent-husband. Respondent-husband along with

his relatives went to bring back his wife and son, but in vain. Thereafter, the respondent-husband filed a petition under Section 9 of the Act before the Ld. Addl. Civil Judge, Senior Division, Dasuya, for Restitution of Conjugal Rights. After notice of motion was issued, respondent appeared through counsel and filed her reply, wherein, the respondent-wife refuted and emphatically denied all the allegations of the appellant. Thereafter, Ld. Court below after hearing the matter in detail, allowed the petition of the respondent-husband. It was in this background, the appellant-wife approached this Court by way of present appeal.

During the pendency of the appeal, on the joint request of learned counsel for the parties, they were referred to the Mediation and Conciliation Centre of this Court vide order dated February 28, 2019. As per the report dated 01.07.2019, received from the Mediation and Conciliation Centre, the parties settled their dispute by way of an amicable settlement and a "Settlement Agreement" was reduced into writing on the same date, which is being annexed along with the report of Mediation and Conciliation Centre and marked as 'A'.

Accordingly, in view of the Settlement/Agreement dated 01.07.2019 entered into between the parties, the matter stands disposed off in terms of the agreement, which will form a part of this order. Needless to say that the parties would abide by the terms and conditions of the aforesaid settlement agreement in its letter and spirit.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2019

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No