

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CR No.3117 of 2011 (O&M)
Date of decision:4.2.2019

Akbinder Singh Gosal

... Petitioner

versus

Harvinder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Hardip Singh, Advocate,
for the petitioner
Mr.Joginder Sharma, Advocate,
for the respondent

...

AMOL RATTAN SINGH, J. (Oral)

CM No.2244-CII of 2019

Vide the accompanying petition, the petitioner (husband) has challenged the order of the learned District Judge, Rupnagar, dated 5.4.2011, by which the application filed by the respondent (wife) under Order 9 Rule 13 CPC was allowed and the judgment dated 3.1.2000, along with the decree of divorce granted on the same date, were set aside, with the respondent herein allowed to contest the divorce petition filed by the present petitioner under Section 13 of the Hindu Marriage Act, 1955.

As a settlement could not be arrived at between the parties before the learned Lok Adalat upon the matter having been referred there, it was returned to this Court on 30.1.2015, with the case actually having been admitted to regular hearing earlier on 14.9.2011.

Now by this application, the respondent-wife seeks that the

accompanying civil revision filed by the petitioner-husband itself be allowed and her application filed before the learned trial Court under Order 9 Rule 13 CPC, i.e. Misc. Application No.93 of 2.12.2008, be allowed to be withdrawn even at this stage, in view of the fact that the parties have since compromised the matter before a Division Bench of the Delhi High Court.

A copy of that order, dated 3.8.2018, has been annexed with the application.

The said order was actually in a matter wherein the applicant-respondent herein had sought maintenance from the non-applicant-petitioner, but with the Court having summoned the parties, they are shown to have settled their differences, which learned counsel for both the parties agree is an order that is binding on them as regards the settlement in the terms given in that order.

That being so, this application is allowed.

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The petition is also allowed with the impugned order dated 5.4.2011 set aside and the decree of divorce passed on 3.1.2000 on the petition filed by the present petitioner, held to be binding on the parties, but in terms of the settlement reached by them before the Delhi High Court.

4.2.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No