

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-746-2019 (O & M)
Date of decision: 05.12.2019

Vineet Kumar Appellant(s)
V/s

Jyoti ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Anil Kumar Bhardwaj, Advocate,
for the appellant-husband.

Anant Kataria, Advocate, for
Mr. Rahul Sharma, Advocate, for the respondent-wife.

RAJAN GUPTA, J. (Oral)

Present appeal emanates from an order dated 19.03.2018 passed by the Family Court at Gurugram whereby on a petition filed by the appellant-husband, it granted a decree of judicial separation. Aggrieved by the same, the husband-Vineet Kumar has preferred an appeal with the plea that the court ought to have granted a decree of divorce. At the same time, another appeal (FAO-3053-2018) has been preferred by the wife (respondent herein) namely Jyoti assailing the decree of judicial separation. Her plea is that petition of the husband deserve outright dismissal.

During the course of hearing, a query was put to learned counsel whether there was any possibility of amicable settlement between the parties. Parties were, thus, asked to appear in court. Both the parties are present in court today.

The issue which arises for consideration is whether on payment of permanent alimony, parties would explore the possibility of settlement.

Learned counsel for the respondent on instructions from the respondent submits that in case adequate amount is paid as permanent alimony, respondent-wife is ready for dissolution of marriage by way of mutual consent.

Stand of the appellant-husband is on the similar lines. He has offered an amount of Rs.18 lacs as permanent alimony, which is acceptable to the respondent-wife.

Parties agree that they shall present a joint petition seeking divorce under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') before the competent court of jurisdiction within one month from today. A joint affidavit of the parties in this regard has been filed in court today. Same is taken on record. In case, such a joint petition is presented before the competent court, parties shall be at liberty to seek waiver off the statutory period of six months envisaged by Section 13-B of the Act in terms of judgment reported as '*Amardeep Singh versus Harveen Kaur, 2017 (3) SCC (Cri) 505*'.

In view of the above, learned counsel for the appellant-husband submits that he may be allowed to withdraw the present appeal with liberty to file a joint petition under Section 13-B of the Act before the competent court.

Dismissed as withdrawn with liberty as prayed for.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

December 05, 2019
sukhpreet

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