

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

FAO-M-100-2019 (O&M)

Date of decision : 02.09.2019

Ranjodh Singh

....Appellant No. 1

AND

Rajwant Kaur

....Appellant No. 2

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. J.S. Mahal, Advocate for the appellant(s)

RAJAN GUPTA J.

Appellants have posed a challenge to decree of divorce granted by competent court invoking section 13-B of the Hindu Marriage Act. A joint petition was preferred by husband and wife namely Ranjodh Singh and Rajwant Kaur (appellant no. 1 & appellant no. 2). They submitted that their marriage was solemnized on 24.03.2014 as per Sikh rites. No child was born out of this wedlock. However, their married life could not run smoothly and there was continuous bickering. They had decided to dissolve the marriage. The terms of settlement were reduced into writing and placed on record. The parties made their statement of first motion on 29.11.2017. After lapse of statutory period of six months, they made statement at second motion on 17.08.2018 reaffirming their stand. Consequently, the court was constrained to dissolve the marriage by decree of divorce. Only ground raised before this court for setting-aside the decree is that parties have realized their mistake after some time and have decided to live together. Thus, decree needs to be set-aside. On a query being put to learned counsel about the maintainability of an appeal against the decree passed by mutual

consent, no clear answer is forthcoming. Reliance has been placed on order passed by this court in FAO-M-363-2018 titled as *Jyoti vs. Neeraj Kumar Saini* decided on 10.01.2019. We, however, find that the said order was passed in the peculiar facts and circumstances of that case. The appeal is, thus, hereby dismissed.

Appellants are at liberty to seek appropriate remedy, if any.

(RAJAN GUPTA)
JUDGE

September 02, 2019
Ajay

(B.S. WALIA)
JUDGE

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