

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-70-2012 (O&M)

**(converted to petition u/s 13-B of the Hindu
Marriage, Act 1955)**

Date of Decision: 03.04.2019

NAVEEN SHARMA

...Appellant/Petitioner No. 1

Vs.

POONAM GAUTAM

....Respondent/Petitioner No. 2

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Appellant/Petitioner No. 1 in person with
 Mr. Saarika Gupta, Advocate.

 Respondent/Petitioner No. 2 in person with
 Mr. Rajeev Godara, Advocate.

This appeal has arisen from the judgement and decree dated 01.1.2011 by which petition filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') by the appellant-husband for dissolution of marriage by a decree of divorce was dismissed.

During the pendency of the appeal, both the parties have decided to dissolve their marriage by mutual consent and in view thereof, an application was filed converting the petition filed under Section 13 of the Act into a joint petition under Section 13-B of the Act which was allowed and taken on record on 01.10.2018. The parties have also entered into an agreement, reduced into writing on 10.09.2018 (Ex. CX) before the Mediation & Conciliation Centre of this Court which bears the signatures of both the parties.

As per the said agreement, respondent-husband was to pay ₹8,00,000/- to the appellant-wife towards full and final settlement. According to the agreement, the respondent-husband has handed over a demand draft amounting to ₹4,00,000/- to her today in the Court towards full and final

settlement and hence, total agreed amount of ₹8,00,000/- has been paid by the appellant-husband to the respondent-wife.

It was also decided by the parties that the permanent custody of their minor son namely; Ameen Sharma @ Agrim Sharma shall remain with the respondent-wife.

Both the parties have recorded their first motion statement on 01.10.2018 and now after the expiry of statutory period of six months, they have put in appearance for recording the second motion statement. We have categorically asked both of them about their intentions on dissolution of their marriage by way of mutual consent. In response thereto, both the parties have stated that they have voluntarily filed the petition under Section 13-B of the Hindu marriage Act, 1955 without any kind of coercion and undue influence. Both of them have stated that they would stick to their first motion statement recorded on 01.10.2018. The second motion statement of the parties is, thus, recorded separately and is taken on record.

Thus, in view thereof, the present petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, performed on 22.04.2004, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

[RAKESH KUMAR JAIN]
JUDGE

April 3, 2019

Ess Kay

[HARNARESH SINGH GILL]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No