

FAO-3792-2014

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

Date of Decision:13.02.2019

Smt. Sonia

...Appellant

Versus

Balkar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILLPresent: Mr. Arvind Galav, Advocate
for the appellant.Mr. Rajiv Sidhu, Advocate for
Mr. Vineet Chaudhary, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from the judgement and decree dated 12.02.2014 by which petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') filed by the appellant-wife for the dissolution of her marriage by a decree of divorce was dismissed.

The appeal was admitted on 21.01.2015 but thereafter parties decided to dissolve their marriage by mutual consent and in view thereof, an application was filed by the appellant-wife under Order 6 Rule 17 read with Section 151 of the CPC for amendment/conversion of the petition filed under Section 13 of the Act into a petition under Section 13-B of the Act. This application was allowed on 16.07.2018 and the parties had also entered into an agreement dated 12.05.2018 (Ex.CX) which bears the

signatures of both the parties.

Both the parties had recorded their first motion statement on 25.07.2018 and now they have appeared 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 are sticking to their first motion statement recorded on 25.07.2018. Thus the second motion statements of the parties is recorded separately and taken on record.

Learned counsel for appellant has submitted that in terms of the said compromise, the appellant-wife has already paid ₹3,10,000/-to the respondent-husband. The parties do not have any child.

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 20.02.2009, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

February 14, 2019
Jyoti-IV

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