

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

**FAO No. 1409 of 2017 (O&M)**  
**(converted to petition u/s 13-B of the Hindu**  
**Marriage, Act 1955)**  
**Date of Decision: 07.03.2019**

***PRIYANKA YADAV***

***...Appellant/Petitioner No. 1***

***Vs.***

***SANDEEP YADAV***

***....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. Manish Soni, Advocate.

Respondent/Petitioner No. 2 in person with  
                  Mr. Pratibha Yadav, Advocate.

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This appeal has arisen from the judgement and decree dated 27.01.2017 by which petition filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') by the respondent-husband for dissolution of marriage by a decree of divorce was allowed.

During the pendency of the appeal, both the parties decided to dissolve their marriage by mutual consent and in view thereof, an application was filed 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 joint petition under Section 13-B of the Act which was allowed and taken on record on 25.07.2017. The parties have also entered into an agreement which was reduced into writing on 23.03.2018 (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 has to pay ₹8,00,000/- (in installments) to the appellant-wife towards full and final

settlement. According to the agreement, the respondent-husband has handed over a demand draft amounting to ₹2,00,000/- to her today in the Court towards final installment and hence, total agreed amount of ₹8,00,000/- has been paid by the appellant-husband to the respondent-wife.

Both the parties have recorded their first motion statement on 25.07.2018 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 25.07.2018. The second motion statement of the parties is, thus, recorded separately and taken on record.

Learned counsel for the both the parties have submitted that there is no child born out of the said wedlock and the parties may marry again after divorce is granted by this Court.

Learned counsel for the appellant has submitted that the observations made in regard to character of the appellant-wife by the learned trial Court in para 21 of the impugned judgement may not read against her. Learned counsel for the respondent-husband has not raised any objection in this regard. Accordingly, it is hereby ordered that the observations made by the trial Court in regard to character of the appellant-wife in para 21 and wherever it is otherwise mentioned in the impugned judgement shall not be read against the appellant-wife.

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 01.02.2013, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

**[ RAKESH KUMAR JAIN]**  
**JUDGE**

**March 7, 2019**  
Ess Kay

**[ HARNARESH SINGH GILL]**  
**JUDGE**

|                                      |            |          |           |
|--------------------------------------|------------|----------|-----------|
| <b>Whether speaking / reasoned :</b> | <b>Yes</b> | <b>/</b> | <b>No</b> |
| <b>Whether Reportable :</b>          | <b>Yes</b> | <b>/</b> | <b>No</b> |