

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

**FAO-1855-2017**

**Decided on : 17.07.2019**

Amit Sharma

... Appellant(s)

Versus

Ankur Sharma

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA  
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**PRESENT:** Mr. Abhishek Kaushik, Advocate for  
Mr. Vijay K. Jindal, Advocate for the appellant(s).

Mr. Balraj Gujjar, Advocate for  
Mr. John Kumar, Advocate for the respondent(s).

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**RAJAN GUPTA, J. (Oral)**

This appeal has been preferred against the judgment and decree dated 30<sup>th</sup> January, 2017, whereby, the marriage between the parties was dissolved by a decree of divorce.

Parties tied the nuptial knot on 30.01.2006 at Delhi according to Hindu rites and ceremonies. Three children namely Divyance, Divya and Victoria were born out of the wedlock. There were certain differences between the couple on various issues. Husband alleged that soon after the marriage, wife treated the husband with cruelty and mentally harassed. All efforts to save the marriage proved futile. He, thus, preferred the petition before the Court below for dissolution of marriage by decree of divorce. On the basis of pleadings of the parties, the Trial Court framed an issue whether petitioner-husband was entitled for divorce on the ground of cruelty and desertion. Trial Court came to the conclusion that wife was guilty of treating the husband with cruelty, besides, marital ties had irretrievably broken down. Trial Court thus granted the decree of divorce and the appeal was preferred by the wife before this Court.

During the pendency of the appeal, matter was referred to the Mediation and Conciliation Centre of this Court. Admittedly, settlement has been arrived at between the parties, which has been reduced into writing. Both counsel submitted that parties shall adhere to the settlement. Dispute has been settled. According to them, parties are residing together for the last nine months.

According to learned counsel for the respondent-husband, the ground of cruelty and desertion no longer survives. He, thus, prays that he has no objection if the decree in question is set aside. Parties have also assured the Court that in future if any dispute arises regarding cause of action in this petition, it shall approach the alternate forum and not seek recalling of order passed by this Court. In view of above, the instant appeal stands allowed and the judgment & decree dated 30.01.2017 passed by the Court below is set aside.

**(RAJAN GUPTA)**  
**JUDGE**

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**July 17, 2019**  
*J.Ram*

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