

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

**FAO-M-410-2015 (O&M)
Decided on : 26.09.2019**

Major Vikas Sehgal

... Appellant(s)

Versus

Shaveta Mehra

... Respondent(s)

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

PRESENT: Mr. Sandeep Chopra, Advocate
for the appellant(s).

Mr. V.K. Sandhir, Advocate
for the respondent(s).

RAJAN GUPTA, J. (Oral)

Marriage between the parties was solemnized on 06th February, 2010, as per Hindu rites and ceremonies at Ambala Cantt. From the wedlock, a child namely Virat Sehgal was born. Due to differences between the couple, matrimonial litigation ensued. Present appeal emanates from dismissal of a petition preferred by the husband under Section 13 of the Hindu Marriage Act, 1955 (for brevity 'the Act') before the court below. During the pendency of the appeal, parties have arrived at a settlement. As a result of which, an application was moved for converting the instant appeal to a petition under Section 13-B of the Act. Vide order dated September 06, 2019, the said application was allowed.

The parties made their statements at the first motion stage on September 10, 2019 and tendered their separate affidavits as Ex.P1 and Ex.P2, respectively. Matter, thereafter, adjourned to today. Both of them have appeared and made their respective statements at the second motion stage in terms of the settlement and tendered their separate affidavits as Ex.P3 and Ex.P4, respectively. They have submitted that they would adhere

to the terms & conditions of the settlement and therefore, their marriage be dissolved by way of mutual consent.

Learned counsel have prayed that the statutory period of six months as envisaged in Section 13-B(2) of the Act be waived of, in view of the fact that parties are living separately since last eight years.

In view of judgment of the Apex Court rendered in ***Amardeep Singh Vs. Harveen Kaur, 2017(4) R.C.R. (Civil) 608***, this Court accepts the plea. The statutory period is waived of as all the conditions envisaged by the said judgment are satisfied. Apart from the fact that the parties have been living separately for more than a year, all efforts to settle the matter through mediation have failed. Besides, parties have now genuinely settled their disputes including the permanent alimony, custody of the minor child etc. In our considered view, waiting further would prolong the agony of the parties. The statutory period is thus waived of.

In view of the statements made by the parties at the first and second motion stages before this Court, the marriage between the parties stands dissolved by a decree of divorce by way of mutual consent. Decree sheet be drawn up accordingly.

The appeal is accordingly allowed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 26, 2019
J.Ram

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