

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

FAO-M-295-2016

Date of decision : 24.09.2019

Jatinder Kumar

....Appellant

V/s

Seema Rani

....Respondent

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

Present: Mr. Vishal Aggarwal, Advocate for the appellant.

Ms. G.K. Mann, Advocate for the respondent.

RAJAN GUPTA J.

Marriage between Jatinder Kumar and Seema Rani was solemnized on 22.11.2009 as per Hindu rites at Tarn Taran. Soon after the marriage, differences developed which lead to protracted litigation. The divorce petition was ultimately dismissed by Addl, District Judge, Tarn Taran vide its order 23.05.2016. During the pendency of this appeal, efforts were made by this court as well as Mediation Centre to explore the possibility of amicable settlement. All efforts, however, proved futile. During the hearing of the appeal, appellant-husband filed an affidavit stating therein that he was ready to part with sum of ₹5.00 lacs in the shape of FDR in the name of his son namely Sanchit Kumar and another ₹10.00 lacs in favour of wife-Seema Rani as permanent alimony. The relevant paras of the affidavit are reproduced below:-

“2. That the deponent is ready and willing to pay a sum of Rs. 5 lacs as a full and final payment in shape of FDR in the name of his son namely Sanchit Kumar as permanent alimony including all past and future arrears of maintenance.

3. *That the deponent is also ready and willing to pay a sum of Rs. 10 lacs as a full and final payment in the shape of demand draft in the name of respondent namely Seema Rani (wife of appellant) as a permanent alimony including all the past and future arrears of maintenance.*
4. *That the deponent shall give Rs. 5 lacs in shape of FDR in the name of his son on or before 15.10.2019 and balance Rs. 10 lacs in the shape of demand draft in the name of his wife on or before 31.12.2019.”*

Aforesaid arrangement is acceptable to the respondent, who is present in court.

Under the circumstances, learned counsel for the appellant submits that he may be allowed to withdraw this appeal as both parties, who are present in court, have agreed to file a joint petition under section 13-B of the Act before the competent court of jurisdiction to seek divorce by mutual consent.

Dismissed as withdrawn. Needless to observe that parties shall also be at liberty to seek waiver of the statutory period of six months envisaged by section 13-B(2) of the Act in view of judgment of the Supreme court titled as *Amardeep Singh vs. Harveen Kaur, 2017(8) SCC, 746.*

(RAJAN GUPTA)
JUDGE

September 24, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No