

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2770-2017 (O & M)
Date of decision: 09.09.2019

Gurmit Kaur Appellant
V/s

Satinder Pal Singh ...Respondent(s)

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

Present: Mrs. Gurmit Kaur, appellant in person.

Mr. Onkar Singh Batalvi, Advocate,
for the respondent.

RAJAN GUPTA, J. (Oral)

Marriage between the parties was solemnized on January 27, 2013 at Faridkot according to Sikh rites and rituals. They cohabited after marriage. Out of the wedlock one male child namely Rajwinder Singh was born, who is living with his mother (appellant-wife herein). After lapse of some time, the couple developed differences. There was continuous bickering between them. In the year 2015, petitioner (respondent-husband herein) moved a petition under Section 13 of the Hindu Marriage Act (for short 'the Act') before the Family Court at Faridkot seeking divorce. The court after analysing the evidence allowed the petition and decided to dissolve the marriage by way of a decree of divorce. Aggrieved appellant-wife preferred this appeal before this court.

During the course of hearing, respondent-husband made an offer that he would pay Rs.17 lakhs out of which Rs.10.00 lakhs would be towards permanent alimony for the appellant-wife and Rs.7.00 lakhs in the shape of FDR for the brought up of the child. Affidavit dated 02.09.2019 on

behalf of the appellant-husband has been taken on record. Para 4 thereof reads as under:-

“4. That now the abovesaid appeal (FAO) is going on in this Hon’ble High Court, Chandigarh and is fixed for today on 02.09.2019 and the Hon’ble Court has settled the matter and issued directions to the respondent/deponent to pay Rs.17,00,000/- consolidated (Rs.10.00 lakh in favour of the appellant and Rs.7.00 lakhs in favour of minor child Rajwinder Singh in the shape of FDR).

Today, appellant-wife has appeared in person and filed her affidavit accepting the aforesaid offer made by the respondent-husband. Para 5, 6, 7, 8 and 9 thereof reads as under:-

“5. That this Hon’ble Court has settled the matter and issued directions to the respondent/Husband to pay Rs.17,00,000/- consolidated (Rs.10.00 lakh in favour of the appellant and Rs.7.00 lakh in favour of minor child Rajwinder Singh in the shape of FDR).

6. That this Hon’ble Court issued direction that the FDR may be prepared of Rs.7.00 lakhs in the name of minor child.

7. That I, the above named deponent is ready to withdraw the above said FAO and other HMA cases whatsoever which is pending in the lower court (if any).

8. That I the above named deponent/appellant is bounded by the abovesaid terms and conditions for the disposal of abovesaid appeal and I am giving this affidavit by accepting all the abovesaid conditions and by getting/receiving all the abovesaid amounts from my husband/respondent and I will have no objection if the above said appeal is disposed off.

9. That the information provided in this affidavit are true and best of my knowledge, nothing material has been concealed therein”.

In view of the fact that the parties have arrived at a settlement and have decided to part ways. The appellant has accepted the amount as

aforesaid as full and final settlement of all the disputes. Learned counsel for the respondent-husband has handed over a cheque bearing No.536217 dated 09.09.2019 for a sum of Rs.10.00 lakhs to the appellant-wife in court today. A photocopy thereof has been taken on record as Mark 'A'. Aforesaid cheque has been accepted by the appellant-wife. She undertakes that she will provide the details of the account of the minor child-Rajwinder Singh and other documents such as Aadhar Card in order to enable the respondent-husband to make an FDR in the name of the child. Entire exercise be completed within one month.

In view of the above, appellant-wife submits that she may be allowed to withdraw the present appeal.

Dismissed as withdrawn.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 09, 2019
sukhpreet

Whether speaking/reasoned : Yes

Whether reportable : No