

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 506 of 2018 (O&M)
Date of Decision: 31.5.2019

Lalit Johar

.....Appellant

Vs.

Deepika Johar

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: - Mr. Sandeep Khunger, Advocate with
Mr. Nitika Jaura, Advocate for the appellant.

Mr. K.S.Jetley, Advocate for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

CM-12550-CII-2019

This application is filed by the applicant-appellant with a prayer for preponement of the date for recording of second motion statement and also for waiving off the statutory period of six months provided under Section 13-B (2) of the Hindu Marriage Act, 1955.

Notice of the application.

Mr. K.S.Jetley, Advocate accepts notice on behalf of the respondent and states that he has no objection if the application is allowed.

Accordingly, the application is allowed. Main appeal is proponed from 18.10.2019 to today and the period of six months for the purpose of recording the statement at second motion stage is also waived off.

Main appeal is taken up for hearing today itself.

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asked them again as to whether they are still ready and willing to grant divorce to each other by mutual consent and are recording their statements at the second motion stage with their free will and without any undue influence or coercion. Both the parties have stated that their statements are being recorded at the second motion stage without there being any undue influence or coercion and with their free will. The respective statements of the parties, recorded at the second motion stage, are taken on record.

The marriage of the parties to the *lis* was solemnized on 2.9.2004 at Zirakpur as per Hindu rites and ceremonies. They were blessed with a male child, Lakshya Johar, born on 5.3.2006. The appellant-husband has filed a petition under Section 13 of the Hindu Marriage Act, 1955 ('Act' for short) for seeking a decree of divorce on the ground of cruelty and desertion. The said petition was dismissed on 27.10.2017 and hence, the present appeal was filed.

While this appeal was pending, both the parties had decided to resolve the dispute themselves and in that process, arrived at a settlement which was reduced into writing on 21.5.2019.

As per the settlement, the appellant-husband was supposed to pay ₹ 26 lakhs to the respondent-wife towards her past, present and future alimony and custody of the minor child, Lakshay, was to be kept by the respondent but visitation rights were given to the appellant-husband.

It was also decided between the parties that the appellant-husband would hand over the entire jewellery of the respondent to her and in return, the respondent would hand over the keys of the house, belonging to the appellant, which she has been occupying so far.

Today, the appellant-husband has handed over four drafts, total amounting to ₹ 26 lakhs, to the respondent-wife. The appellant has already handed over the jewellery to the respondent and she has handed over the keys of the house.

In view of the aforesaid facts and circumstances, we are satisfied that there is no chance of a reunion of the parties and have taken a conscious decision to dissolve their marriage by way of mutual consent.

It is needless to mention that since the respondent-wife has vacated the house of the appellant and has to live at some other address, she would provide her new address to the appellant within a period of one week from the passing of the order so that the appellant-husband may exercise his right of visitation.

Thus, in view thereof, the petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, solemnized on 2.9.2004, is hereby dissolved by a decree of divorce by mutual consent. It is needless to mention that both the parties would abide by the terms and conditions of the compromise/settlement dated 21.5.2019 in its letter and spirit.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

May 31, 2019
Gurpreet

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