

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 6108 of 2018 (O&M)

Date of Decision: 19.3.2019

Abhishek Gulia

.....Appellant

Vs.

Ritu Choudhary

.....Respondent

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

Present: - Ms. Loveleen Dhaliwal, Advocate
for the appellant.

Mr. Mohit Aneja, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen out of the judgment and decree dated 13.7.2018 by which a petition filed under Section 13(1) (ia) of the Hindu Marriage Act, 1955 ('Act' for short) by the appellant-husband, has been dismissed.

During the pendency of this appeal, the parties have entered into a written compromise dated 15.11.2018 as per which they have decided to part ways by way of filing of a petition under Section 13-B of the Act. Accordingly, the application was filed by the appellant-husband for seeking permission to convert the petition filed under Section 13 (i) (ia) of the Act into a petition under Section 13-B of the Act. The prayer made by the appellant was allowed and the said petition was converted into a petition under Section 13-B of the Act. The appellant had already paid the amount of ₹ 10.00 lakhs to the respondent wife on the last date of hearing, towards full

and final settlement and both the parties had recorded their statements

separately, at the stage of first motion. The case was adjourned for today for recording their statements at the second motion stage.

Both the parties are present in Court along with their counsel. We have categorically asked both the parties as to whether they are still ready and willing to dissolve their marriage by a decree of divorce by way of mutual consent to which they have answered in affirmative. Accordingly, the statements of both the parties are recorded at the second motion stage and taken on record.

Thus, in view of the aforesaid proceedings, since both the parties have recorded their statements at first and second motion stage voluntarily, without there being any undue influence and coercion for the purpose of dissolution of their marriage by a decree of divorce by mutual consent and the appellant-husband has complied with the terms and conditions of the agreement, much less, paid the entire amount of ₹ 10.00 lakhs towards full and final settlement to the respondent-wife, the petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, performed on 02.6.2013, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

March 19, 2019
Gurpreet

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