

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

224

FAO-990-2017 (O&M)

*(Converted to petition under Section 13-B
of Hindu Marriage Act, 1955)*

Date of Decision : 14.02.2019

Vineet Singh Bakshi

... Appellant

Versus

Jyotinder Guglani Bakshi

...Respondent

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

Present: Mr. K.S.Nalwa, Advocate for the appellant.

Ms. Samiya Singh, Advocate for the respondent.

RAKESH KUMAR JAIN, J.(ORAL)

This appeal has arisen from the judgment and decree dated 09.01.2017 vide which a petition filed by the respondent-wife under Section 13 of Hindu Marriage Act, 1955 (for short 'the Act') seeking dissolution of marriage with the appellant was allowed.

In brief, the marriage of the parties was solemnized on 01.08.2010 at New Delhi as per Sikh rites. They were blessed with a son, namely, Armaan Singh Bakshi, born on 22.09.2011. Due to temperamental differences and alleged cruelty meted out by the appellant-husband to the respondent-wife, she filed a petition under Section 13 of the Act which was

allowed by the trial court.

While this appeal was pending, the parties had entered into a compromise which was reduced into writing on 30.07.2018. They decided to part their ways by mutual consent and thus filed an application for converting the petition filed under Section 13 of the Act into a petition under Section 13-B of the Act. The said application was allowed vide order dated 30.07.2018. The petition filed under Section 13-B of the Act was taken on record. Statements of the parties at the first stage was recorded. The parties have decided that appellant would pay ₹35 Lacs in lump-sum to respondent, who would have the custody of the son Armaan Singh Bakshi and both the parties would withdraw the cases, if any, filed against each other. Thus the amount of ₹17.50 Lacs was paid on 30.07.2018 at the time of recording of the statement at the first motion stage. The case was thereafter, adjourned to today for recording the statement at the second motion stage. Both the husband and wife are present in the court. We have again asked them as to whether they stick to their stand of decree of divorce and whether their decision is voluntary and without any undue influence or coercion. Both of them said in affirmative that they are taking this decision voluntarily and without any undue influence and coercion. Statement of both the parties at second motion stage is recorded and is taken on record. Counsel for the appellant has handed over the remaining amount of ₹17.50 Lacs by way of cheque to the respondent, who has also assured the court that only case which is yet to be withdrawn pending in the Patiala House Court, New Delhi shall be withdrawn by filing an application.

Thus, in view of the aforesaid facts and circumstances, the present petition filed under Section 13-B of the Act is hereby allowed and their

marriage is hereby dissolved by a decree of divorce by way of mutual consent.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

14.02.2019
pooja saini

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>