

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

FAO No. M-194 of 2017 (O&M)
(converted to petition u/s 13-B of the Hindu
Marriage, Act 1955)

Date of Decision: 05.02.2019

AMIT

...Petitioner No. 1

VS.

POONAM

.... Petitioner No. 2

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

Present: Petitioner No. 1 in person with
 Mr. Neeraj Yadav, Advocate.

Petitioner No. 2 in person with
 Mr. R.D. Yadav, Advocate.

This appeal has arisen from the judgement and decree dated 13.07.2017 by which petition filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage between the parties by a decree of divorce on the ground of cruelty was dismissed.

During the pendency of the appeal, both the parties decided to dissolve their marriage by mutual consent and in view thereof, an application was filed under Order 6 Rule 17 read with Section 151 of the CPC for amendment/conversion of the petition filed under Section 13 of the Act into a joint petition under Section 13-B of the Act. The parties have also entered into an agreement dated 11.12.2018 (Annexure P-1) before the Mediation Conciliation Centre of this Court which bear their signatures.

Both the parties have recorded their first motion statement on 17.12.2018 and now they have put in appearance for recording the second motion statement. We have categorically asked both of them about their

intentions on dissolution of their marriage by way of mutual consent. In response thereto, both the parties have stated that they have voluntarily filed the petition under Section 13-B of the Hindu marriage Act, 1955 without any kind of coercion and undue influence. Both of them have stated that they would stick to their first motion statement recorded on 17.12.2018. The second motion statements of the parties is thus recorded separately and taken on record.

Thus, in view thereof, the present petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, performed on 16.04.2012, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

[RAKESH KUMAR JAIN]
JUDGE

February 5, 2019

Ess Kay

[HARNARESH SINGH GILL]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No

FAO-M-194-2017

**Statement of Amit son of Late Sh. Ram Singh, resident of Village Teekli,
P.S. Sadar, District Gurgaon**

Petitioner No. 1

I was married to petitioner No. 2 on 16.04.2012. On account of temperamental differences we have been living separately and now there are no chances of reunion. We have entered into a compromise (Annexure P-1) for getting the marriage dissolved by decree of divorce by virtue of the compromise which bears my signatures. I undertake to abide by the terms of the said settlement. There is nothing to be paid/given to petitioner No. 2 from now by me.

Marriage be dissolved by a decree of divorce by mutual consent.

**RO&AC
(AMIT)
05.02.2019**

**(RAKESH KUMAR JAIN)
JUDGE**

**(HARNARESH SINGH GILL)
JUDGE**

FAO-M-194-2017

**Statement of Poonam daughter of Umrao, resident of Village Bhatsana,
P.S. Dharuhera, District Rewari.**

Petitioner No. 2

I was married to petitioner No. 1 on 16.04.2012. On account of temperamental differences we have been living separately and now there are no chances of reunion. We have entered into a compromise (Annexure P-1) for getting the marriage dissolved by decree of divorce by virtue of the compromise which bears my signatures. I undertake to abide by the terms of the said settlement. There is nothing to be paid/given by petitioner No. 1 to me.

Marriage be dissolved by a decree of divorce by mutual consent.

**RO&AC
(Poonam)
05.02.2019**

**(RAKESH KUMAR JAIN)
JUDGE**

**(HARNARESH SINGH GILL)
JUDGE**