

FAO-M-215-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-M-215-2017 (O&M)
(converted to petition u/s 13-B of the
Hindu Marriage Act, 1955)
Date of decision:28.02.2019

Krishan Sharma

.....Petitioner No.1

and

Shelly

....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. Ankit Chowdhri, Advocate.

Petitioner No.2 in person with
Mr. Gurmeet Singh, Advocate.

Rakesh Kumar Jain, J. (Oral)

This appeal has arisen from the judgment and decree dated 17.02.2017, passed by learned District Judge, Kurukshetra, by which, petition filed by the appellant-husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for seeking dissolution of marriage between the parties by a decree of divorce on the ground of cruelty, was dismissed.

During the pendency of this appeal, matter was referred to the Mediation and Conciliation Centre of this Court, where the parties had entered into a written compromise dated 22.02.2018 to part ways on payment of ₹13,50,000/- and also by moving an appropriate application to convert the petition filed under Section 13 of the Act into a joint petition under Section 13-B of the Act. Accordingly, the application was filed

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which was taken on record on 28.05.2018.

Both the parties had recorded their statement at the first motion stage on 27.07.2018, in which they have categorically stated that they are ready to take divorce by way of mutual consent. Today, the appellant has handed over a draft of ₹5 lakh to the respondent-wife towards full and final payment of ₹13,50,000/-. We have also asked them as to whether they are willing to take divorce by mutual consent without undue influence or coercion. 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 27.07.2018. The second motion statements of the parties are thus recorded separately and taken on record today.

Keeping in view the aforesaid facts and circumstances, the present petition, filed under Section 13-B of the Act, is hereby allowed and the marriage of the parties, performed on 14.01.2006, is hereby dissolved by a decree of divorce by mutual consent.

Decree-sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

28.02.2019
anju rani

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