

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

FAO-M-175-2018
Decided on : 13.09.2019

Surinder Kaur

..... Appellant

Versus

Daljit Singh

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Sunil Agnihotri, Advocate
for the appellant.

Mr. AV.S.Mann, Advocate
for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 26.03.2018 passed by the Addl. District Judge, Hoshiarpur vide which the petition under Section 13 of the Hindu Marriage Act (for short 'the Act') was dismissed.

Marriage between the parties was solemnized on 17.04.2002 as per Sikh rites and ceremonies. Two children were born out of the said wedlock. However, appellant-wife filed a petition under Section 13 of the Act for dissolution of marriage by way of decree of divorce before the Court below at Hoshiarpur. The appellant-wife was not able to prove the ground of cruelty and desertion on part of the respondent-husband. The petition was accordingly dismissed. Aggrieved, the wife preferred an appeal before this Court.

During the pendency of appeal, a settlement was arrived at

between the parties, which was reduced in writing on 11.02.2019. Learned counsel for the respondent had moved an application for conversion of petition filed under Section 13 of the Act before the trial Court into a petition under Section 13-B of the Act seeking divorce by mutual consent. The prayer was allowed vide order dated 12.03.2019. Pursuant to settlement, they made their statement of first motion stage on 12.03.2019. Thereafter, the matter was adjourned to 13.09.2019. Since then more than six months' time have elapsed. Today, their statement at second motion stage have been recorded separately.

In view of the fact that the parties are living separately for a considerable period as they have decided to part ways on the agreed terms and conditions as laid down in settlement dated 11.02.2019. We hereby accept their prayer for dissolution of marriage. It is directed that the marriage between them be dissolved by a decree of divorce. Appeal is allowed and the Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

13.09.2019
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No