

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M No. 1165 of 2018 (O&M)
Date of Decision: 22.4.2019

Dr. Komal

.....Appellant

Vs.

Gagandeep Singh

.....Respondent

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

Present: - Mr. Deepak Arora, Advocate
for the appellant.

Mr. Neeraj Yadav, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

Both the parties are present today in Court for the purpose of recording their statement at the second motion stage. The respondent-husband has handed over a draft of ₹ 8 lakhs to the appellant-wife today in Court towards full and final payment in terms of the agreement arrived at between them, which was reduced into writing on 1.3.2019.

We have specifically asked both the parties as to whether they are recording their statements at the second motion stage with their free will and without any undue influence or coercion. Both the parties have replied in affirmative. The respective statements of the parties, recorded at the second motion stage, are taken on record.

The marriage of both the parties was solemnized on 20.10.2013

as per Sikh Rites at Hoshiarpur. There is no child out of this wedlock. The

respondent filed a petition under Section 13 of the Hindu Marriage Act, 1955 ('Act' for short) for seeking dissolution of his marriage by way of a decree of divorce. The petition was allowed and decree of divorce was passed on 5.10.2018 against which the appellant (wife) has preferred this appeal.

During the pendency of this appeal, the matter was referred to the Mediation and Conciliation Centre of this Court in order to explore the possibility of a compromise. The parties entered into a compromise before the Mediator which was reduced into writing on 1.3.2019 and as per the terms of compromise, they have decided to part ways finally on payment of ₹ 16 lakhs in toto by the respondent to the appellant-wife. It was also decided that both the parties would withdraw all the pending cases against each other. Apropos, both the parties have filed a petition under Section 13-B of the Act before this Court for seeking a decree of divorce by way of mutual consent. The statements at the first motion stage was recorded by this Court on 5.4.2019. At that time, the respondent-husband had paid ₹ 8 lakhs i.e. half of the amount of the permanent settlement to the appellant-wife. Today the respondent-husband has paid the remaining amount of ₹ 8 lakhs to the appellant-wife and we have recorded earlier that both of them have recorded their statements at the second motion stage without there being any undue influence and coercion and with their sweet will.

Thus, in view thereof, the petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, solemnized on 20.10.2013, is hereby dissolved by a decree of divorce by mutual consent.

It is needless to mention that both the parties would abide by the terms and

conditions of the compromise/settlement dated 1.3.2019 in its letter and spirit.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

April 22, 2019
Gurpreet

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