

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-298-2018 (O&M)
Date of Decision:06.03.2019

Vibhuti Datta

. Appellant

Vs.

Major Amit Kumar Mishra

. Respondent

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

Present: - Mr.Deepanshu Matya, Advocate,
for the appellant.

Mr.Amandeep Vashisth, Advocate,
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from the judgment and decree dated 4.10.2018 by which petition filed by the respondent-husband under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 [for short 'the Act'] was allowed.

It was recorded on the last date of hearing that the parties are ready and willing to enter into a compromise.

Learned counsel for the appellant has produced the proceedings carried out under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [for short 'the DV Act'] to contend that it has been decided between the parties that the only child of the parties would remain in the custody of the appellant-wife and the respondent-husband would have the visitation rights.

Learned counsel for the appellant has submitted that the appellant-wife, who is present in Court, is ready and willing to withdraw the

present appeal provided the finding recorded by the learned trial Court against her of cruelty and desertion may not be used against her by the respondent in future.

Learned counsel for the respondent has submitted that he has instructions from the respondent that he would not use the finding recorded by the learned trial Court against the appellant-wife of cruelty and desertion in future and would not raise any issue in regard to the custody of the minor child, who may stay with the appellant provided the visitation rights, already decided between the parties, given to the respondent-husband is sustained.

Learned counsel for the appellant has not raised any objection about the visitation rights.

In view of the aforesaid facts and circumstances and as per the joint statement recorded by both the parties, the present appeal is allowed to be withdrawn and hence, the same is hereby dismissed as withdrawn.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

06.03.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*