

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

**CM No. 2638-CII of 2020 in/and
FAO-M No. 87 of 2019**

Date of decision : 17.02.2020

Kiranjit Kaur

.... Appellant

Versus

Satgur Singh

... Respondent

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present : Ms. Gursharan K. Mann, Advocate
for the applicant/appellant.

Mr. Amit Kumar Walia, Advocate
for the non-applicant/respondent.

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DAYA CHAUDHARY, J. (Oral)

CM No. 2638-CII of 2020

This application has been moved for setting aside impugned judgment and decree dated 05.02.2019 as the parties have settled their dispute and have agreed to file divorce petition under Section 13-B of the Hindu Marriage, Act 1955 (hereinafter referred to as - "H. M. Act").

An amount of ₹ 8,00,000/- by way of demand draft in the name of the appellant-wife has been handed over to learned counsel for the appellant in the Court and the same has further been handed over to the appellant, who is also present in the Court and has duly been accepted.

On joint request of learned counsel for the parties, the date in the main appeal is pre-poned for today and is taken up today itself for hearing.

The application is disposed of accordingly.

FAO-M No. 87 of 2019

Both the parties are present in the Court and they have mutually agreed to file a petition under Section 13-B of the H. M. Act. However, learned counsel for the parties request for waiving off the minimum period of six months stipulated under Section 13-B(2) of the H. M. Act for recording the statements of the parties on second motion for passing decree of divorce on the basis of mutual consent.

Accordingly, keeping in view the interest of both the parties and the submissions made by learned counsel for the parties, impugned judgment and decree dated 05.02.2019 passed by learned Additional District Judge, Sangrur is set aside with the liberty to the parties to file a petition under Section 13-B of the H. M. Act.

However, depending on the facts and circumstances of the case, it is directed to the concerned Court that in case such petition is filed, the condition of minimum period of six months stipulated under Section 13-B(2) of the H. M. Act, for recording statements of the parties on second motion for passing decree of divorce on the basis of mutual consent, be waived off.

It is also made clear that the amount, which has already been settled between the parties, has been paid to the appellant-wife.

Disposed of accordingly.

**(DAYA CHAUDHARY)
JUDGE**

Dated : 17.02.2020
sunil yadav

**(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No