

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO-2981-2020 (O&M)

Date of decision: 14.12.2020

Rupinder Kaur

..... Appellant

Versus

Gulshan Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

PRESENT: Mr. Munish Puri, Advocate for the appellant.

Mr. Lokesh Vohra, Advocate for the respondent.

S.N. SATYANARAYANA, J. (ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Heard the learned counsel for the appellant and as well the respondent.

On going through the order impugned, it is clearly seen that the appellant herein has appeared before the Family Court and that the statements of the parties were recorded on two occasions by the learned District Judge, in the presence of their respective counsels.

When we go through the judgment impugned, it clearly indicates that the dispute was amicably settled and lump sum cash settlement

was also made to the appellant-wife herein and thereafter the marriage between them is dissolved under Section 13-B of the Hindu Marriage Act, 1955 (for short-‘the Act’).

When all these things are seen, it is clear that the appellant-wife who lived with her husband only for 3 days and thereafter, stayed away from him for more than one year has settled the dispute with him by filing a joint petition under Section 13-B of the Act and pursuant to that she has also received the compensation amount and thereafter, again appeared before the Court on 28.02.2020 for the second time and re-affirmed the pleadings in the petition and also the settlement arrived in between them. It is thereafter, the petition filed by the parties under Section 13-B of the Act is decided by the learned Family Court Judge, which is now sought to be challenged by creating a figment of lie and imaginary stories as, if, the appellant-wife never went to the Court; as, if, she did not understand the proceedings before the Court; as, if, she has not received any money and that she has been given to understand that the proceedings before the Family Court is only a formality.

We are unable to believe this but in any event we find that the entire exercise by the appellant-wife, who is one of the petitioner in the proceedings before the Family Court, is trying to abuse the process of law and to gain sympathy, at the hands of this Court only on the ground that she is a lady and that she is trying to encash in seeking recall of the orders passed under Section 13-B of the Act, with some ulterior motive, therefore, we find no grounds are made out to entertain this appeal, at this stage.

Dismissed.

(S.N. SATYANARAYANA)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

December 14, 2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No