

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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**CM Nos. 10068-69-CII-2020 in/and
FAO-M-323-2016 (O&M)**

Date of decision: 26.11.2020

Baljit Kaur

..... Appellant

Versus

Dilbagh Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

PRESENT: Mr. B.S. Jaswal, Advocate for the appellant.

None for the respondent.

S.N. SATYANARAYANA, J. (ORAL)

CM Nos. 10068 and 10069-CII-2020

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

The respondent in HMA Petition No. 46 instituted on 19.05.2012, on the file of Additional District Judge, Pathankot, has come in this appeal impugning the judgment dated 16.08.2013. The aforesaid petition was filed by respondent herein-Dilbagh Singh, under Section 13 of the Hindu Marriage Act, 1955, seeking dissolution of his marriage with his wife-Baljit Kaur, respondent in the Court below and appellant herein. The records would indicate that the petition filed by the husband was allowed

ex parte by judgment and decree dated 16.08.2013, which is subject matter of challenge in this appeal by the respondent-wife, in the said proceedings.

In this appeal, an application in CM-10068-CII-2020, is filed seeking permission to place on record the compromise arrived at between the parties which is produced as Annexure A-1. The said documents is a compromise/agreement reduced on a one thousand rupees stamp paper, in the presence of their well wishers of village Bharyal, Block Gharota, District Pathankot, where the parties are residing, which indicates that the dispute between the parties is settled and that they want to part their ways to pursue their respective lives peacefully, on the term that certain amount of money is settled in favour of appellant herein, as permanent alimony.

The said application in CM-10068-CII-2020 is allowed. The document at Annexure A-1 is taken on record, exempting filing of certified copy of the same.

Subsequently, there is one more application in CM-10069-CII-2020, which is filed under Section 151 CPC, seeking pre-ponement of hearing of the main appeal from 16.02.2021 to this day, for the reason that the settlement having been arrived at between the parties and monetary demand of the appellant being settled. The present application is filed by the appellant as applicant seeking pre-ponement to ensure that the present appeal is withdrawn, pursuant to settlement arrived at between herself and her ex-husband Dilbagh Singh-petitioner in the Court below.

The said application is allowed. Main appeal is taken up for consideration today.

FAO-M-323-2016 (O&M)

Heard learned counsel for the appellant. Though, respondent counsel is not present before the Court, considering the fact that this is an appeal filed by the respondent-wife who has suffered the order of dissolution of marriage in a proceedings before the Family Court, this appeal is heard for permission to withdraw the same. The appellant is seeking withdrawal of the appeal filed by her challenging the said *ex parte* judgment, on the premise that she has settled the dispute with her husband-respondent herein, on certain terms. The same was arrived at between herself and her husband on 04.09.2020, in the presence of her well wishers including Sarpanch of village Bharyal, Block Gharota, District Pathankot, where parties are residing.

In the aforesaid background, we see that the appellant being a dominant litigant of this proceeding which is initiated by her, choose to withdraw the same. Hence, we find that there is no reason to reject the same. Accordingly, by accepting the submission of learned counsel for the appellant made on her behalf, we permit the appellant herein to withdraw the appeal filed by her. Accordingly, the same is dismissed as withdrawn.

With this, the judgment dated 16.08.2013, passed in HMA Petition No. 46 instituted on 19.05.2012, on the file of Additional District

Judge, Pathankot, dissolving her marriage with respondent-Dilbagh Singh,
has reached finality.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

November 26, 2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No