

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

-.-

FAO No. 1050-2020 (O&M)

DATE OF DECISION: 28.06.2021

Mohit Bansal

.....Appellant

versus

Ragini

.....Respondent

**CORAM:- HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Rakesh Gupta, Advocate, for the appellant.

Mr. Akshay Chadha, Advocate, for the respondent.

RITU BAHRI, J. (Oral):

Heard through video conferencing.

CM-4351-CII-2021

This is an application for seeking permission to convert the petition filed by the respondent/wife under Section 12(1)(a) and (c) of the Hindu Marriage Act 1955 to a petition seeking divorce by way of mutual consent under section 13B of the Hindu Marriage Act 1955.

Since the parties have entered into a compromise, the application for converting the petition under Section 12(1) (a) and (c) to under Section 13-B of the Hindu Marriage Act, 1955, is allowed.

CM-4189-CII-2021

This is an application for waiving off cooling period of 06 months.

It is contended that both the parties have been living separately since 02.12.2011 and no child is born out of this wedlock and now the parties have decided to settle the matter amicably as per compromise deed Annexure A-1, which is taken on record as Ex.C-1.

Keeping in view the fact the parties have been litigating for the last more than 09 years, the application is allowed and the cooling period of 06 months is waived off.

CM-4213-CII-2021

In view of the reasons mentioned in the application, the same is allowed and keeping in view the compromise between the parties, the instant appeal is treated as a main petition under Section 13-B of the Hindu Marriage Act, 1955.

FAO-1050 of 2020 (O&M)

A perusal of the compromise deed Ex.C-1, shows that both the parties have agreed to set aside the judgment and decree under challenge (in FAO No. 1050 of 2020) and to convert the same under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by way of mutual consent.

In the compromise deed the first party is the wife and she has stated that she has received an amount of Rs.18,50,000/- as permanent

alimony and she will not claim any alimony from the husband (second party). She has also stated that she will withdraw the revision pending in the complaint under Section 420-B IPC before the Court of Additional Sessions Judge, Kaithal. Both the parties have agreed that they will not file the civil/criminal litigation in future regarding the present matrimonial dispute for the maintenance as the first party has already received an amount of Rs.18,50,000/- from the second party.

Second party has also placed on record an affidavit of Mohit Bansal, the first party, who is present in the office of Mr. Rakesh Gupta, Advocate and joined the Court proceedings through virtual hearing. He states that the matter has been compromised as per the compromise deed Ex-C-I between the parties. Second party –Ragini has also joined the Court proceedings through virtual hearing and has stated that as per the affidavit dated 09.03.2021, the matter has amicably been resolved and she has accepted Rs.18,50,000/- as permanent alimony from the first party- Mohit Bansal. Both the parties have stated that they will abide by all the terms and conditions of the compromise deed Ex.C-I. Copies of Aadhar Cards of both the parties have been sent on the whatsapp group created for the purpose of virtual hearing. The same are printed and taken on record as Annexure A-2 & A-3.

Keeping in view the compromise effected and the statements made by both the parties, who are virtually present to attend the Court

proceedings today and are being represented through their counsels, the petition under Section 13-B of the Hindu Marriage Act, 1955 is allowed and the marriage between the parties is hereby dissolved by way of mutual consent. Decree-sheet be drawn accordingly. Compromise Deed Ex.C-1 shall form part of the decree-sheet.

**(RITU BAHRI)
JUDGE**

**(ALKA SARIN)
JUDGE**

28.06.2021
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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO