

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

Sr. No.217

FAO-304-2021 (O&M)

Date of Decision: 01.09.2021

SONALI AHLAWAT

... Applicant/Appellant

VERSUS

SANDEEP AHLAWAT

...Non-Applicant/Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Ms. Sonali Ahlawat, appellant-in-person, along with
Mr. Shailendra Jain, Senior Advocate, assisted by
Mr. Sushil Jain, Advocate.

Mr. Sandeep Ahlawat, respondent-in-person, along with
Mr. Sanjay Vashisth, Advocate, and
Mr. Akash Vashisth, Advocate.

(Through video conference)

RITU BAHRI, J.

CM-5066-C-II-2021

Since the parties have complied with all the conditions of the compromise dated 23.04.2021 (Annexure A-1), the instant application for waiving of the minimum period of six months stipulated under Section 13-B (ii) of Hindu Marriage Act, 1955, is being waived of and this application is being allowed, keeping in view the Supreme Court Judgement passed in Civil Appeal No.11158 of 2017 titled as “Amardeep Singh v/s Harveen Kaur.”

FAO-304-2021

This is an appeal filed for setting aside the judgment and decree dated 03.03.2021 passed by learned Additional Principal Judge, Family Court, Faridabad and also for dismissal of the petition filed by the respondent - husband under Section 13 (1) (i) (ia) (ib) of the Hindu

Marriage Act, 1955, read with Section 7 of the Family Courts Act, 1984, for dissolution of marriage.

Vide order dated 05.07.2021 passed by this Court in CM-5065-CII-2021 in FAO-304-2021, the present appeal was converted into a petition under Section 13-B of the Hindu Marriage Act, 1955.

Today, both the parties (Sonali Ahlawat and Sandeep Ahlawat) have virtually appeared through the chambers of their respective counsels. Photocopies of Aadhar Card of appellant-Sonali Ahlawat and respondent-Sandeep Ahlawat, are taken on record as Annexure A-2 & A-3 respectively.

On a specific query put to the appellant-Sonali Ahlawat, she states that the parties have signed the final papers for handing over the possession of petrol pump, today itself and all the conditions of the compromise dated 23.04.2021 (Annexure A-1) have been duly complied with. Similarly, respondent-Sandeep Ahlawat has stated that no dispute is left between the parties. Moreover, the parties are also not in dispute that as a part of the aforesaid compromise, security amount to the tune of Rs.4,00,000/-, which was to be refunded by Indian Oil Corporation Limited in favour of the appellant-Sonali Ahlawat, has been adjusted and paid by the respondent-Sandeep Ahlawat in advance in favour of the appellant-Sonali Ahlawat, vide cheque No.834179 (PNB) dated 14.07.2021.

The compromise dated 23.04.2021 (Annexure A-1) is made a part of the decree and both the parties are bound by the terms of the compromise dated 23.04.2021 (Annexure A-1), which includes quashing of FIR No.35 of 2018, registered at Police Station Cyber Cell, Gurugram, u/s 420 IPC and Section 66 of IT Act, FIR No.22 of

2020 registered at Police Station City Sonipat, Under Section 420, 467, 468, 471 of IPC dated 09.01.2020 and Kalandra under Section 182 IPC, 15.03.2018 registered at Police Station Central, Faridabad.

Keeping in view the prevailing COVID-19 situation, this Court does not consider it necessary to ask the parties to get their statements recorded before the Family Court, as it would cause unnecessary harassment to the parties. They will have to engage counsel afresh for the above said purpose. The statements made before this Court are sufficient to grant a decree of divorce under Section 13-B of the Hindu Marriage Act.

In view of the above discussion, the impugned order dated 03.03.2021, whereby divorce was granted under Section 13 (1)(i)(ia) & (ib) of Hindu Marriage Act, 1955 is set aside and a joint petition filed by the parties under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce under mutual consent is being allowed.

The parties are granted a decree of divorce by mutual consent under Section 13-B of the Act.

Decree sheet be drawn accordingly.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

01.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No