

(223)

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

FAO-3408-2021

Date of Decision:21.12.2021

Ankit Goel

... Appellant

Vs.

Shivi Aggarwal

... Respondent

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Anirudh Singh Shera, Advocate
for the appellant.

Mr. Nagar Singh, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

This appeal has been filed against the order dated 02.12.2021 passed by Additional Principal Judge, Family Court, Yamunanagar at Jagadhri, whereby application for waiving off period of 1 year of separation has been dismissed.

The marriage between the parties was solemnized on 24.04.2021 as per Hindu Rites and Ceremonies at Jagadhri, District Yamuna Nagar. The parties could not adjust themselves with each other from the first day of marriage due to differences in thoughts, attitude and temperament. The parties resided together only for 5 days. Since

29.04.2021, they are living separately from each other. They filed a petition under Section 13-B of Hindu Marriage Act since petitioner No.1 is residing at Miami Florida, USA and petitioner No.2 is residing at Chennai. They filed the petition through their fathers being special power of attorney holders.

The application for waiving off 1 year period was dismissed while observing that exceptional depravity is to be assessed in each and every case separately. Merely saying the parties are living separately cannot give inference of exceptional depravity.

On 13.12.2021, notice of motion was issued.

Mr. Nagar Singh, Advocate, has put in appearance on behalf of the respondent and submits that the matter has been compromised between the parties for an amount of 37 lakhs and out 37 lakhs, Rs.12 lakhs have been paid at the time of agreement.

Special Power of Attorneys of both the parties are present in Court today.

Learned counsel for the appellant had handed over two cheques amounting to Rs.12,20,000/- and Rs.12,80,000/- in the names of mother of respondent namely Alka Aggarwal and respondent/Shivi Aggarwal in view of the agreement entered into between the parties. Father-Special Power of Attorney of the respondent has accepted the cheques in Court today.

In view of the above, all the terms and conditions of the agreement are fulfilled.

Keeping in view the above facts and circumstances and the judgment in the cases of Shivani Yadav v. Amit Yadav (FAO-658-2021; decided on 06.08.2021); Mr. Sandesh and Mrs. Anitha Sankaralingam

(Civil Revision Petition No.93 of 2021; decided on 16.02.2021 and **Mandeep Kaur Bajwa** v. **Chetanjeet Singh Randhawa**; (FAO-M-201-2014; decided on 07.01.2015), period of 1 year of separation is waived off.

In view of the above discussion, the impugned order dated 02.12.2021 is set aside. Petition under Section 13-B of the Hindu Marriage Act is 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

(ASHOK KUMAR VERMA)
JUDGE

21.12.2021
rajeev

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No