

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-2-2021

Date of decision: 05.04.2022

Prabhjot Singh

..... Appellant

Versus

Simranjeet Kaur

..... Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

PRESENT: Mr. Gaurav Sharma, Advocate for the appellant.

Respondent-Simranjeet Kaur, in person with
Mr. M.K. Dhot and Ms. Mandeep Kaur, Advocates.

RITU BAHRI, J. (ORAL)

Appellant-Prabhjot Singh, has come up in this appeal against the judgment and decree dated 14.09.2020, passed by the learned Additional District Judge, Sangrur, whereby the joint petition filed under Section 13-B of the Hindu Marriage Act, 1955, (for short-'the Act'), for dissolution of marriage by way of mutual consent, was dismissed.

In the present case, marriage between the parties was solemnized on 26.11.2014 at village Ratoke, according to Sikh Rites by way of Anand Karaj Ceremony. No child was born out of this wedlock. They are living separately from each other since 25.08.2018. The parties filed a joint petition under Section 13-B of the Act before the learned Additional District Judge, Sangrur, for dissolution of their

marriage, on the ground that they could not adjust with each other due to different habits and temperaments. The matter was settled between the parties and as per settlement, appellant-Prabhjot Singh, had to pay Rs.4,30,000/- to respondent-Simranjeet Kaur, as permanent alimony, apart from all the '*Istridhan*' including ornaments and other articles. Both the statements of the parties i.e. first motion and second motion were also recorded. All the terms and conditions of the compromise were also complied with. However, the learned Additional District Judge, Sangrur, dismissed the joint petition for grant of divorce by mutual consent on the ground that the contents of original wedding card did not tally with the contents of photocopy of wedding card produced on record. Hence, the present appeal.

Today, respondent-Simranjeet Kaur, is present in Court. On a specific query, she states that her marriage with appellant-Prabhjot Singh, was solemnized on 26.11.2014, according to Sikh Rites by way of Anand Karaj Ceremony. They are living separately since, 25.08.2018. She admits that she had taken Rs.4,30,000/- as permanent alimony from appellant-Prabhjot Singh, as observed in the judgment and decree dated 14.09.2020. Statement of the respondent in this regard has also been recorded today. Copy of her Aadhar Card is also taken on record.

There is no dispute that the marriage of the parties was solemnized on 26.11.2014. The Family Court, had dismissed the joint petition filed by the parties under Section 13-B of the Act, merely, on the ground that the contents of original wedding card did not tally with the photocopy of wedding card produced on record.

Since, the respondent-Simranjeet Kaur, has admitted about her marriage with appellant-Prabhjot Singh and has already received Rs.4,30,000/- as permanent alimony, therefore, the present appeal for grant of divorce by way of mutual consent under Section 13-B of the Act, is allowed. The parties are granted divorce by way of mutual consent and the impugned judgment and decree dated 14.09.2020, is hereby set aside.

Decree-sheet be prepared, accordingly.

**(RITU BAHRI)
JUDGE**

April 05, 2022
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No