

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

**FAO-M No.4 of 2021 (O&M)
Date of Decision: 22.04.2022**

Gursimrat Singh (through Special
Power of Attorney holder Gurmail Singh)

...Appellant

Versus

Beant Kaur

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Arjun Veer Sharma, Advocate,
for the appellant.

Mr. Deepak Kumar Bartia, Advocate,
for the respondent.

* * * *

RITU BAHRI, J. (ORAL)

CM No.970-CII of 2021

This application has been moved for seeking condonation of
delay of 165 days in filing the present appeal.

Keeping in view the reasons as mentioned in this
application, the same is allowed and the delay of 165 days in filing the
appeal is hereby condoned.

FAO-M No.4 of 2021 (O&M)

The present appeal has been filed by Gursimrat Singh
through his Special Power of Attorney holder Gurmail Singh son of
Harbans Singh, who is his real brother.

By way of filing the present appeal, the appellant has
challenged the judgment dated 04.07.2019 handed down by the

Additional Principal Judge, Family Court, Ludhiana, whereby the petition filed by him through his brother, i.e Special Power of Attorney Holder under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce has been dismissed.

As per Annexure A-2, the marriage between the parties was solemnized on 22nd June, 2012 at Ludhiana as per the Sikh Rites and Ceremonies and no child was born out of this wedlock. Due to temperamental differences, they could not live together and residing separately for the last four years. A compromise was effected on 22.11.2018 vide Annexure P-1 and the respondent-wife has received all her dowry articles and settled Rs.10 lac in view of her past, present and future maintenance, i.e permanent alimony. At the first motion of hearing, she received Rs. 5 lac and Rs.5 lac was paid by Gurmail Singh to the respondent-wife on 31.05.2019 by way of the demand draft bearing No.003667 dated 27.05.2019 drawn at Bank of India Sahnewal Branch, Ludhiana and the respondent-wife had agreed to withdraw the proceedings initiated vide FIR bearing No.61 dated 11.06.2014 registered at Women Cell Ludhiana under Sections 406, 498-A & 120 IPC. Statements of Gurmail Singh and the respondent-wife Beant Kaur were recorded to this effect. However, at the time of second motion, petitioner No.1 (herein appellant-Gurmail Singh) was not present and the petition was dismissed on 04.07.2019.

At this stage, a reference can be made on the judgment passed by the Division Bench of this Court in **Jasjit Saini vs. Sanjeev Pal Singh Saini 2014(5) R.C.R.(Civil) 878** whereby “in exceptional

circumstances it has been held that where close relation appears for parties acting as attorney and is in a position to state and depose as regards state of mind of Principal then specially when a person is living abroad then on the basis of the recording the statement of Special Power of Attorney, divorce can be granted to the parties". In the present case, counsel for the respondent has informed that the petition for quashing of the FIR is pending for 31.05.2022.

Today, the appellant is being represented through his brother Gurmail Singh, i.e his Special Power of Attorney Holder and he has already paid Rs.10 lac to the respondent-wife as per the settlement Annexure P-1. The copy of his Aadhar Card is taken on the record.

The respondent-wife is also present in the Court today and she states that she has received Rs.10 lac from Gurmail Singh and the proceeding for quashing of the FIR is pending for 31.05.2022. She has also stated that she will not claim anything from the appellant in future and will not file any case against the appellant-husband in future as per compromise. The copy of her Aadhar Card is taken on the record.

As per the statement of Gurmail Singh, Special Power of Attorney holder and real brother of the appellant, the appellant-husband has compromised the matter with the respondent-wife vide the afore-said settlement/compromise deed Annexure P-1 and decided to dissolve the marriage by mutual consent. The appellant shall remain bound by all the terms of the compromise/settlement and has no objection if the present appeal is converted into a petition under Section 13-B of the Hindu Marriage Act, 1955 and the marriage between him-respondent-wife is

dissolved by way of mutual consent. The respondent-wife also undertakes not to file any kind of case against the appellant-husband in the future. Rs.20,000/- have also been paid to the respondent-wife in the Court today as litigation expenses by Gurmail Singh.

Keeping in view the statements given by both the parties in the Court today, this Court is satisfied that there is no chance of reconciliation between the parties. The marriage solemnized between the appellant-Gursimrat Singh and respondent-Beant Kaur on 22.06.2012 stands dissolved by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Decree sheet be prepared accordingly.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

22.04.2022.

seema

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No