

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

FAO-600-2022 (O&M)
Date of decision:- 15.12.2022

Shiwani

....Appellant

VS.

Vishal Gandhi

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Appellant in person with Mr. Madan Pal, Advocate.

Respondent in person with Mr. Manoj Tanwar, Advocate.

Ritu Bahri, J. (Oral)

CM-17327-CII-2022

The instant application has been filed under Section 151 CPC for conversion of the above said appeal under Section 13-B of the Hindu Marriage Act.

Heard. In view of the reasons mentioned in the application same is allowed.

Main case.

The present appeal has been filed against the judgment and decree dated 21.01.2022 passed by the Principal Judge, Family Court, Kaithal, whereby the petition filed by the respondent under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage, has been allowed.

The parties solemnized marriage on 22.11.2008 according to Hindu rites and ceremonies at Karnal (Haryana). Out of this wedlock, one

female child was born. On account of temperamental differences, they started living separately. Ultimately, a petition under Section 13 of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage was filed and the same was allowed vide judgment and decree dated 21.01.2022.

On 24.11.2022, this Court passed the following order:-

“Today, both the parties are present in Court today with their counsels and their first motion statements have been recorded to the effect that they have resolved their dispute in the Mediation and Conciliation Centre of this Court on 14.10.2022. As per the statements, the respondent-husband has agreed to pay Rs.6,75,000/- towards the permanent alimony (past, present and future maintenance) to the appellant-wife. Out of agreed amount, Rs.2,00,000/- has been handed over to the appellant-wife on 14.11.2022. Today, again a demand draft of Rs.2,00,000/- is given to her. Respondent agreed to pay the remaining amount i.e. Rs.2,75,000/- on the next date of hearing. Appellant wife has no objection if the custody of the minor girl-Aastha, aged about 12 years, is handed over to the respondent-husband. Appellant-wife also undertakes to withdraw the petition filed by her under Section 125 Cr.P.C which is pending before the Ld. Court at Karnal. She states that she has no objection if the respondent-husband is granted the decree of divorce in terms of the compromise/agreement.

Adjourned to 15.12.2022, for recording of second motion statement.”

On 24.11.2022, the parties have got recorded their statement before this Court. Thereafter, the matter was adjourned to 15.12.2022 for recording of second motion statement of the parties.

Today, both the parties are present in Court with their counsels

and their statements have been recorded to the effect that the appellant-wife has received Rs.2.75 Lacs by way of demand draft as the last installment of full and final payment of Rs.6,75,000/- towards permanent alimony (past, present and future maintenance) and she has no objection if the custody of the minor child, namely, Aastha, aged about 12 years is handed over to the respondent-husband.

Accordingly, present appeal has been treated as petition under Section 13-B of the Act and the same is allowed and judgment and decree 21.01.2022 passed by the Principal Judge, Family Court, Kaithal, is set aside. Divorce is granted to the parties, by way of mutual consent. However, the parties shall remain bound by the terms and conditions of the compromise dated 14.10.2022. Decree sheet be prepared accordingly.

Since the main appeal stands allowed, civil misc. applications, if any, shall also stand disposed of.

(RITU BAHRI)
JUDGE

15.12.2022

pooja saini

(MANISHA BATRA)
JUDGE

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