

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

FAO-M No.8 of 2022 (O&M)

Date of Decision: May 26, 2022

Khushpreet Singh

.....Appellant.

Versus

Gurpreet Kaur

.....Respondent.

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

Present:- Ms. Ritu Punj, Advocate
 for the appellant.

Mr. Jupinder Pal Singh Brar, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

By way of the present appeal, the appellant has challenged the order dated 16.04.2021 passed by learned Additional Principal Judge, Family Court, Bathinda, whereby the petition under Section 13-B of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955') for dissolution of marriage between the parties by a decree of divorce with mutual consent, was dismissed being infructuous.

In compliance of the order dated 04.05.2022 passed by this Court, both the parties are present in Court. With the assistance of learned counsel for the parties, the matter has been resolved and both the parties have compromised the matter. The statements of both the parties have been recorded in Court. The copies of their Aadhar Cards are also taken on record. As per the compromise, out of the total amount of Rs.21,50,000/-, a

sum of Rs.3,00,000/- has already been paid by the appellant to the respondent and the remaining amount of Rs.18,50,000/- has been paid by the appellant to the respondent today in the Court in the shape of demand draft No.048463 amounting to Rs.9,00,000/-, demand draft No.048464 amounting to Rs.4,00,000/- and demand draft No.048468 amounting to Rs.2,00,000/-. The remaining amount of Rs.3,50,000/- has also been paid by the appellant to the respondent by way of cheque No.004283 drawn on The Patiala Central Cooperative Bank Limited, Patiala issued by Daler Singh. It has also been agreed that the custody of the minor daughter Kiranjot Kaur shall remain with the respondent. Both the parties have undertaken to withdraw all pending litigations, civil or criminal, before any Court of law, against each other and they will not further initiate any case or proceedings against each other. Both of them have decided to part ways as the marriage has irretrievably broken. The maintenance agreed between the parties is the past, present and future alimony of the respondent and she shall have no right in the ancestral or self-acquired property of the appellant and his family.

Learned counsel for the parties have jointly submitted that the present appeal be converted into a petition under Section 13-B of the Hindu Marriage Act, 1955 and the above-said statements made by both the parties in Court today be treated as their statements on second motion because their first motion statements have already been recorded before the Court below.

Ordered accordingly.

Keeping in view the statements made by both the parties in Court today, this Court is satisfied that there is no chance of reconciliation between them. Therefore, the present appeal is allowed and the impugned order dated 16.04.2021 passed by the Court below is set-aside. The marriage solemnized between the parties stands dissolved by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Decree sheet be drawn accordingly.

However, considering the prayer made by learned counsel for the appellant for enabling the appellant to meet the minor daughter, the matter stands adjourned to 01.08.2022.

Both the parties are directed to appear in Court along-with the minor child on the next date of hearing.

(RITU BAHRI)
JUDGE

May 26, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*