

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

230

**FAO-1402-2019 (O&M)
Date of decision: 19.12.2022**

KAWALJEET SINGH JAISWAL

.... Appellant

Versus

PREETMA

.... Respondent

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

Present : Appellant in person with
Mr.Munish Behl, Advocate.

Respondent in person with
Mr.M.S. Shuaib, Advocate.

RITU BAHRI, J. (oral)

CM-4287-CII-2019

This application has been filed for condonation of delay of 29
days in filing the appeal.

For the reasons stated in the application, the same is allowed and
delay of 29 days in filing the appeal is condoned.

Main case

This appeal has been filed against the judgment dated 13.12.2018
passed by the learned Additional Principal Judge, Family Court, Faridabad
whereby, the petition filed by the appellant seeking divorce under Section
13(1)(1-A) and (1-B) of the Hindu Marriage Act, 1955 (for short-the Act) has
been dismissed.

The parties solemnized the marriage on 20.06.2011 according to Hindu rites and ceremonies and no child was born out of this wedlock.

On 27.09.2022, parties were directed to appear before the Mediation and Conciliation Centre of this Court for an out of Court settlement.

As per report of the Mediator dated 27.09.2022, the parties have amicably settled their dispute and first motion statements of the parties were recorded in the Court. Copy of the settlement is placed on record (Annexure R-1).

As per the settlement deed/agreement dated 27.09.2022 and statements made by the parties today in the Court, the appellant-husband agreed to pay an amount of Rs.33,00,000/- towards permanent alimony (past, present and future maintenance) to the respondent-wife. Out of the agreed amount, Rs.8,00,000/- had been paid on 10.11.2022 to the respondent-wife by way of demand draft. Today, the balance amount of Rs.24,48,100/- has been paid by way of two demand drafts i.e. bearing No.013782 dated 15.12.2022 for an amount of Rs.14,48,100/- and other bearing No.723569 dated 12.12.2022 for an amount of Rs.10,00,000/-. An amount of Rs.51,900/- has already been remitted in the account of the respondent-wife. The appellant-husband has withdrawn all the pending litigation filed against the respondent-wife and her family members including the appeal bearing FA/12/2019 filed at Uttrakhand, High Court. The respondent-wife has handed over to the appellant copy of daily diary bearing No.23 dated 16.11.2022 registered at Police Station Saran, Faridabad regarding the loss of Dependent Navy ID card as well as copy of the order dated 16.12.2022 passed by the Principal Judge, Family Court, Faridabad regarding detachment of the salary of the appellant-husband in the account of respondent-wife w.e.f.16.12.2022. The respondent-wife undertakes that if she found the Dependent Navy ID card, she

will not use the same in future. She also undertakes that in case any amount is credited in her account (in part or full) for the month of December 2022, she will transfer the same within a period of 10 days in the account of the appellant-husband. She undertakes to withdraw the pending case i.e. CRR(F)-417-2017 within one month. Besides that, she also undertakes to move an application to the concerned department to surrender the ECHS card within a period of 10 days from today and further undertakes not to avail any medical facilities on the basis of said card. Both the parties undertake not to file any case against each other and their family members in future also. Both of them undertake that nothing shall remain due between them in future.

In view of the above, the appeal filed by the appellant-husband, has already been converted into a joint petition under Section 13-B vide order dated 10.11.2022, is allowed and judgment and decree dated 13.12.2018 passed by Addl. Principal Judge, Faridabad is set aside. The divorce is granted to the parties by way of mutual consent. The parties are bound by the terms and conditions of the aforesaid settlement/agreement.

Decree sheet be prepared accordingly.

Pending applications, if any, shall also stands disposed of.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

19.12.2022

Jyoti-IV

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