

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-79-2019 (O&M)

Date of decision: 25.02.2022

Deepak Sharma

..... Appellant

Versus

Bharti Sharma

..... Respondent

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

**PRESENT:** Ms. Shaveta Sanghi, Advocate with  
appellant-Deepak Sharma, in person.

Mr. M.S. Yadav, Advocate with  
respondent-Bharti Sharma, in person.

**RITU BAHRI, J. (ORAL)**

**CM-14191-CII-2021**

Prayer in this joint application filed under Section 151 CPC is for converting the present appeal into a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short-'the Act') for divorce by way of mutual consent.

Both the parties who are present in Court are *ad idem* that they have no objection, if, the present appeal is converted into divorce petition under Section 13-B of the Hindu Marriage Act, 1955.

In view the above, the application is allowed and the present

appeal is converted into divorce petition under Section 13-B of the Act.

**FAO-M-79-2019 (O&M)**

The appellant has come up in this appeal against the judgment and decree dated 07.02.2019, passed by the learned District Judge, Narnaul, whereby his petition under Section 13 of the Act, for dissolution of marriage by a decree of divorce was dismissed.

In the present appeal, notice of motion was issued on 14.03.2019 and thereafter, the parties were referred to the Mediation and Conciliation Center of this Court vide order dated 22.05.2019. However, the mediation has failed. Now, the parties have again reconciled and they have resolved their dispute by an amicable settlement with the intervention of this Court and the appellant-husband has agreed to pay Rs.12,50,000/- as full and final settlement towards permanent alimony to the respondent-wife and minor children.

On 15.11.2021, when this matter was listed for hearing, the appellant-husband had handed over Rs.10,000/- in cash as costs to the respondent-wife, pursuant to the order dated 09.11.2021. He also handed over a demand draft bearing No. 339245 dated 11.11.2021, amounting to Rs.4,50,000/- in favour of respondent-wife. Photocopy of the said draft was taken on record as Annexure 'X'.

Today, both the parties are present in person before this Court along with their counsels. The appellant has handed over three demand drafts bearing No. 339291 dated 14.02.2022 amounting to Rs.2,00,000/- in favour of respondent wife and two demand draft Nos.

339292 and 339293 dated 14.02.2022, amounting to Rs.3,00,000/- each in favour of minor children namely; Kashish Sharma and Jatin Sharma, respectively, totaling Rs.8,00,000/-. Photocopy of the aforesaid demand drafts is taken on record as Annexure 'Y'. The parties have been duly identified by their respective counsel as well and their statements have also been recorded, which are taken on record. Self attested copies of Aadhar Cards of both the parties are taken on record.

In her statement, recorded today in Court, respondent-Bharti Sharma, stated that she has compromised the matter with the appellant-husband and is ready and willing to give divorce to him by way of mutual consent. She has no objection, if, the present appeal is converted into a joint petition for divorce under Section 13-B of the Act. She further stated that she has received an amount of Rs.12,50,000/- as permanent alimony for herself and minor children namely; Kashish Sharma and Jatin Sharma, who are in her custody vide aforesaid four demand drafts Annexures 'X' and 'Y'. She undertakes that she will convert the amount of two demand drafts i.e. demand draft Nos. 339292 and 339293 dated 14.02.2022 of Rs.3,00,000/- each into two separate FDRs in favour of minor children namely; Kashish Sharma and Jatin Sharma, in some nationalized bank fetching maximum rate of interest within one month from today, so, that children can utilize the said amount after attaining the age of majority for any purpose. She also undertakes to furnish copy of the FDRs in the Registry within one month.

In his statement, recorded today in Court, appellant-Deepak

Sharma, stated that he has compromised the matter with the respondent. He has no objection, if, the present appeal is converted into a joint petition for divorce under Section 13-B of the Act. He has paid an amount of Rs.12,50,000/- as permanent alimony to the respondent as well as for the future of minor children, namely; Kashish Sharma and Jatin Sharma, vide demand drafts Annexures 'X' and 'Y'.

In the present case, marriage between the parties was solemnized on 27.04.2008 as per Hindu Rites and Ceremonies. Two children namely; Jatin Sharma (son) and Kashish (daughter) were born on 25.10.2009 and 30.03.2012, respectively, from this lawful wedlock. The parties are living separately from each other since, 2013, on account of detrimental issues. Divorce petition under Section 13 of the Act, filed by the appellant-husband was dismissed by the learned District Judge, Narnaul vide order dated 07.02.2019. During the pendency of this appeal, the parties have resolved the dispute by way of amicable settlement.

Since, the marriage took place way-back in the year 2008 and the parties are living separately for the last 9 years. The entire payment as settled between the parties has been paid by the appellant to the respondent. Only first motion statement which is recorded today in Court, would be sufficient to grant decree of divorce.

In view of the above, the present appeal is allowed. Parties are granted divorce and the impugned judgment and decree dated 07.02.2019, is hereby set aside.

Decree-sheet be prepared, accordingly.

Since, the main appeal has been allowed, therefore, all the pending miscellaneous applications, if any, stand disposed of.

Respondent-wife shall furnish the copies of FDRs in the name of minor children in the Registry of this Court, as undertaken in her statement recorded today, within a period of one month.

**( RITU BAHRI )  
JUDGE**

**February 25, 2022**  
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**( ASHOK KUMAR VERMA )  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**