

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

FAO-M-112-2019 (O&M)
Date of decision:- 24.08.2022

Saurav Kalia

....Appellant

VS.

Babita @ Reetu

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Arun Jindal, Advocate for the appellant.

Mr. SPS Tinna, Advocate for the respondent.

Ritu Bahri, J. (Oral)

The present appeal has been filed against the judgment and decree dated 14.12.2018 passed by the learned Additional District Judge, Ludhiana, whereby the petition filed by the appellant under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage, has been dismissed.

The parties solemnized marriage on 28.11.2011 according to Hindu rites and ceremonies at Ludhiana. Out of this wedlock, no 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 dismissed vide judgment and decree dated 14.12.2018.

On 25.07.2022, this Court passed the following order,

“CM-8866-CII-2022

Allowed, as prayed for, subject to just exceptions.

CM-8868-CII-2022

Present application has been filed for amendment of main Divorce petition dated 06.03.2019 u/s 13 of the Hindu Marriage Act, 1955 into a petition under Section 13-B of the ibid Act, through mutual consent, in view of the matter having been settled between the parties.

Keeping in view the contents of the application, same is allowed.

CM-8867-CII-2022 AND CM-8883-CII-2022

Learned counsel for the applicant/appellant has placed on record settlement agreement dated 14.07.2022 reached between the parties with the assistance of Sunil Agnihotri, Mediator.

Both the parties are present in the Court today.

It is submitted by learned counsel for the appellant that the matter has been settled for an amount of Rs.33,00,000/-, out of which Rs.25,000/- was given to the respondent on 14.07.2022 in cash and two demand drafts amounting to Rs.16,50,000/- (one draft amounting to Rs.8,50,000/- and another amounting to Rs.8,00,000/-) have been handed over to the respondent, in the court today, as first installment.

It is further submitted that second and final installment of Rs.16,25,000/- will be paid to the respondent on the next date of hearing i.e. 24.08.2022, at the time of recording of statements of second motion.

Statements of first motion have been recorded today and they have stated that they will abide by the terms of the settlement agreement reached between the parties.”

On 25.07.2022, the parties have got recorded their statement

before this Court. Thereafter, the matter was adjourned to 24.08.2022 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 they have compromised the matter and the respondent-wife has received Rs.25,000/- on 14.07.2022 in cash, Rs.16,50,000/- on the last date of hearing and Rs.16,25,000/- today vide two demand drafts No.545377 (Rs. 8 Lacs) and 545378 (Rs. 8.25 Lacs) towards permanent alimony.

Resultantly, the instant petition filed under Section 13-B of the Act is allowed and judgment and decree dated 14.12.2018 passed by the learned Additional District Judge, Ludhiana, 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 14.07.2022 Decree sheet be prepared accordingly.

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

(RITU BAHRI)
JUDGE

24.08.2022

pooja saini

(NIDHI GUPTA)
JUDGE

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