

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

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FAO-M-12-2021 (O&M)
Date of decision : 05.07.2022

Satish Kumar

Appellant

V/S

Nirmaljeet

Respondent

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

Present: Mr. Ankur Malik, Advocate
for the appellant.

Mr. Tapish Gupta, Advocate for
Mr. Puja Chopra, Advocate
for the respondent.

RITU BAHRI, J. (ORAL)

The present appeal has been filed by the appellant-husband against the judgment dated 09.03.2021 passed by the Incharge, District Judge, Ferozepur whereby the petition under Section 13(1) (ib) of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant-husband for dissolution of marriage on the ground of cruelty and desertion was dismissed.

In the present case, the marriage between the parties was solemnized on 16.02.2014 as per Hindu rites at Ferozepur. There is no child from this marriage. On account of temperamental differences, they could not pull along together and started living separately. The appellant-husband had filed petition under Section 13(1) (ib) of the Act for dissolution of marriage on the ground of cruelty and desertion which was dismissed vide impugned judgment dated 09.03.2021.

Against the said judgment, the appellant-husband has preferred the instant appeal.

Notice of motion in the present appeal was issued on 22.04.2021. On 18.02.2022, Mr. Sachin Jain, Advocate was appointed as Mediator and the parties were directed to appear before the Mediator on 02.03.2022. As per the report dated 02.03.2022 of the Mediator, the parties have amicably settled their dispute. As per the settlement/compromise dated 02.03.2022, the appellant-husband has agreed to pay an amount of Rs.13,00,000/- as full and final settlement towards permanent alimony to the respondent-wife and the parties are ready to dissolve their marriage under Section 13-B of the Act.

On 29.04.2022 the appellant-husband had handed over a demand draft of Rs.8,00,000/- and Rs.10,000/- cash to the respondent-wife and the parties have recorded their first motion statements. On 25.05.2022 the appellant-husband had handed over a demand draft of Rs.4,90,000/- to learned counsel for the respondent-wife, as the respondent was not present in the Court. Second motion statement of the husband was also recorded on that date.

The parties are present in Court today. Learned counsel for the respondent-wife submits that inadvertently in the settlement/compromise dated 02.03.2022, reference of 02 criminal complaints initiated by the appellant-husband against the respondent-wife was not mentioned. On which the appellant-husband submits that he will withdraw the said 02 complaints within 03 weeks. The respondent-wife also brought a laptop in the Court today which is handed over to the appellant-husband. Second motion statement of the

respondent-wife has also been recorded.

Since, the statements of the parties have been recorded, nothing remains due and they have also complied with all the conditions of settlement/compromise dated 02.03.2022, this Court has suo motu converted the present appeal into petition under Section 13-B of the Act for grant of divorce by way of mutual consent and also allowed the same. The parties are granted divorce by way of mutual consent and the impugned order dated 09.03.2021, is hereby set aside.

Decree-sheet be prepared, accordingly.

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

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.07.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No