

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

233

FAO-459-2021 (O&M)

Date of decision : 07.04.2022

Reena

..... Appellant

Versus

Samarjit Singh

..... Respondent

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

Present: Mr. Kulwant Singh, Advocate
for the appellant.

Mr. Rishu Garg, Advocate with
Mr. Mazlish Khan, Advocate
for the respondent.

RITU BAHRI, J. (ORAL)

Appellant-Reena, has filed the present appeal against the judgment and decree dated 22.04.2021 passed by the learned Additional Principal Judge, Family Court, Karnal, whereby the petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant-wife, for dissolution of marriage by a decree of divorce, was dismissed.

In the present case, marriage between the parties was solemnized on 02.12.2007 as per Hindu rites and ceremonies at Village Sheikhpura Sohana, Tehsil and District Karnal. The parties resided together at Taraori. One female child-Hemanshi, was born to them on 01.05.2009, who is now residing with the appellant. The marriage did not work and the parties started living separately since, 2019. A petition under Section 13 of the Act, for grant of decree of divorce on the

grounds of cruelty and adultery was filed by the appellant-wife which was dismissed by the Family Court on 22.04.2021. Against the said judgment and decree, the appellant-wife has preferred the instant appeal.

Notice of motion in the instant appeal was issued on 28.06.2021. On 10.12.2021, the appellant-wife submitted that she is ready for an out of Court settlement by accepting the permanent alimony. Accordingly, Mr. Swaran Sandhir, Advocate was appointed as Mediator for settling the amount of permanent alimony and the parties were directed to appear before the Mediator on 16.12.2021.

As per the report dated 12.01.2022 of the Mediator, the parties have amicably settled their dispute.

The parties have also filed application along with compromise dated 12.01.2022 (Annexure A-1) for converting the present appeal into petition under Section 13-B of the Act for dissolution of marriage by a decree of divorce by mutual consent which was allowed vide order dated 23.02.2022.

As per the compromise dated 12.01.2022 (Annexure A-1), the appellant-husband has agreed to pay Rs.22,00,000/- as full and final settlement towards permanent alimony to the respondent-wife and to secure the future of minor daughter and agreed that during the pendency of this petition he will pay amount of Rs.10,00,000/- to the appellant-wife. The parties have recorded their first motion statements on 23.02.2022.

The parties are present in Court today and their second motion statements have also been recorded. The respondent-husband has

handed over amount of Rs.10,00,000/- to the appellant-wife (one demand draft amounting to Rs.5,00,000/- on 23.02.2022, one demand draft amounting to Rs.4,00,000/- on 28.03.2022 and one demand draft amount to Rs.1,00,000/- today in the Court).

Since, the statements of the parties have been recorded, nothing remains due and they have also complied with all the conditions of compromise dated 12.01.2022 (Annexure A-1), the present appeal for grant of divorce by way of mutual consent, is allowed. The parties are granted divorce by way of mutual consent and the impugned order dated 22.04.2021, 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

07.04.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No