

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

FAO-M-101-2011 (O&M)
Date of decision: 08.08.2022

Kulwant Rai

...Appellant

Vs.

Sudesh Kumari

...Respondent

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

Present: Mr. Amandeep Singh Manaise, Advocate,
for the appellant.

Mr. Inderjit Sharma, Advocate,
for the respondent.

Ritu Bahri, J. (Oral)

**IOIN-CMM-77-2017 in
CMM-77-2017**

Since, matter has been amicably resolved between the parties,
no order is required to be passed in the IOIN and the same stands disposed
of accordingly.

The main appeal is taken up today itself.

FAO-M-101-2011 (O&M)

The appellant has come up in appeal against the judgment and
decree dated 05.10.2010 passed by the Additional District Judge (Adhoc),
Fast Track Court, Gurdaspur, whereby petition filed by appellant-Kulwant
Rai (appellant herein) under Section 13 of the Hindu Marriage Act, 1955 for
dissolution of marriage by a decree of divorce, has been dismissed.

Marriage between the parties was solemnized on 20.01.2000.

differences, they could not pull on together. They are living separately since January, 2006. Ultimately, the appellant filed a petition under Section 13 of the Hindu Marriage Act, which was dismissed vide judgment dated 05.10.2010 passed by the Additional District Judge, Fast Track Court, Gurdaspur. Feeling aggrieved with the said judgment, he preferred the instant appeal.

During the pendency of this appeal, the matter has been amicably resolved between the parties and as per the compromise, appellant-husband had offered to give Rs.17 Lakhs, as one time settlement, to the respondent-wife, apart from one small house located in Jalakari Mohalla, Tehsil Dinanagar, District Gurdaspur which is already in the name of respondent-Sudesh Kumari. They have decided to part their ways. Pursuant to the said compromise, both the parties filed a misc. application i.e. CM-897-CII-2022 for converting the present appeal into a petition under Section 13-B of the Hindu Marriage Act, 1955. The said application was allowed vide order dated 08.02.2022 and statements of the parties were also recorded separately. On that date, out of the settled amount of Rs.17 Lakhs, respondent-Sudesh Kumari had received a demand draft of Rs.7 Lakh from the appellant and remaining amount of Rs.10 Lakhs was to be paid on the next date of hearing. Today, appellant and respondent are present in Court and have made their respective statements to the effect that they have no objection, in case the present appeal is converted into a petition under Section 13-B of the Hindu Marriage Act, 1955. Smt. Sudesh Kumari-respondent states that she is ready and willing to give divorce to the appellant on her own free will and without any pressure or influence. As per the settlement, she has received a demand draft of Rs.3,50,000/- lakhs

today in Court from the appellant. Now, nothing remains to be paid to the respondent-wife. She will never claim any maintenance from the appellant after getting the decree of divorce. The appellant (Kulwant Rai) has also made a statement to the same effect.

Keeping in view the statements made by both the parties, who are physically present in Court today and are being represented through their counsels, the appeal is allowed and the impugned judgment and decree dated 05.10.2010 are set aside. Marriage between the parties is hereby dissolved by way of mutual consent between the parties. Petition filed by the parties under Section 13-B of the Hindu Marriage, 1955 is decreed. Decree-sheet be drawn accordingly.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

08.08.2022
ajp

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