

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

FAO-M-114-2011 (O&M)
Date of decision: 31.03.2022

Naveen Kumar

...Appellant

Vs.

Rekha

...Respondent

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

Present: Mr. Jitender Sheoran, Advocate,
and Mr. Sahil Gupta, Advocate,
for the appellant.

Mr. R.D. Yadav, Advocate,
for the respondent.

Ritu Bahri, J. (Oral)

CM No.3678-CII of 2022

Annexure A-1 is taken on record.

Misc. application stands allowed accordingly.

CM No.3679-CII of 2022

The instant application is for permission to convert the present appeal into a petition under Section 13-B of the Hindu Marriage Act, 1955.

For the reasons mentioned in the application, same is allowed and the present appeal is converted into a petition under Section 13-B of the Hindu Marriage Act.

FAO-M-114-2011 (O&M)

The appellant has come up in appeal against the judgment and decree dated 16.03.2011 passed by the Additional District Judge, Rewari,

Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce has been dismissed.

Marriage between the parties was solemnized on 24.02.2005 as per Hindu rites and rituals at Arya Smaj Mandi (Anar Kali) near Birla Mandir Marg, New Delhi. Out of this marriage, no child was born. However, due to temperamental differences, they could not pull on together. They are living separately since April, 2006. Ultimately, the appellant filed a petition under Section 13 of the Hindu Marriage Act, which was dismissed vide judgment dated 16.03.2011 passed by the Additional District Judge, Rewari. 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 as per compromise deed dated 11.03.2022 (Annexure A-1). They have decided to part their ways. Appellant and respondent are present in Court today 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. Rekha-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. She will also comply with all the conditions mentioned in the compromise deed dated 11.03.2022 (Annexure A-1). As per this compromise, she has received a demand draft of Rs.15 lakhs towards full and final settlement. A plot measuring 300 Sq. yards has also been transferred in her favour by the appellant. She will never claim any maintenance from the appellant after getting the decree of divorce. The appellant (Naveen Kumar) 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 13.06.2011 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

31.03.2022
ajp

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