

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

256

FAO-3248-2021

Date of decision: 31.05.2022

Shiv Charan

..... Appellant

Versus

Preeti Dutt

..... Respondent

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

Present: Mr. Vikas Chatrath, Advocate for the appellant.

Mr. Kanwar Abhay Singh, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

Appellant-Shiv Charan, has come up in this appeal against the judgment and decree dated 06.10.2021, passed by learned Principal Judge, Family Court, Jhajjar, whereby the petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short-'the Act'), filed by the appellant-husband for dissolution of marriage by a decree of divorce was dismissed.

In the present case, marriage between the parties was solemnized on 20.02.2014 by way of Hindu rites and ceremonies at Village Dujana, Tehsil Beri, District Jhajjar. One male child-Tijil was born from the wedlock on 05.01.2016. The marriage did not work and the parties started living separately from 13.07.2016. A petition under Section 13(1)(ia) of the Act, for grant of decree of divorce on the grounds of cruelty was filed by the appellant-husband which was dismissed by

learned Principal Judge, Family Court, Jhajjar vide judgment and decree dated 06.10.2021. Against the said judgment and decree, the appellant-husband has preferred the instant appeal.

Notice of motion in the instant appeal was issued on 03.12.2021 and thereafter, the parties were referred to the Mediation and Conciliation Center of this Court vide order dated 09.03.2022.

Report dated 22.03.2022 from the Mediation and Conciliation Center of this Court was received. As per the said report, the parties have amicably resolved their dispute vide settlement/compromise dated 22.03.2022 and the appellant-husband has agreed to pay Rs.20,00,000/- as full and final settlement. Out of the said amount Rs.10,00,000/- has been given as permanent alimony to the respondent-wife and Rs.10,00,000/- has been given as maintenance for the future of minor son-Tijil.

The parties have also filed application bearing No.CM-4279-CII-2022 for converting this appeal into a joint petition under Section 13-B of the Act for dissolution of marriage by way of mutual consent which was allowed vide order dated 08.04.2022 and first motion statements of the parties were also recorded on the said date.

The parties are present in Court today and their second motion statements have also been recorded. The appellant-husband has paid the entire amount of Rs.20,00,000/- to the respondent-wife in four installments. Out of the said amount, a sum of Rs.10,00,000/- has been deposited in the name of minor son-Tijil by the respondent-wife in three different accounts at Sub Post Master, Dujana, District Jhajjar. It is stated

by the appellant-husband that he will withdraw all the pending cases filed by him against the respondent-wife and will not file any case, in future. He has also submitted that he will not claim custody of minor child in future. On the other hand, the respondent-wife has stated that she has withdrawn majority of the cases and one case is pending which would be withdrawn within a period of 45 days. She will also not file any case against the appellant-husband in future.

Since, the statements of the parties have been recorded, nothing remains due and they have also complied with all the terms and conditions as mentioned in settlement/compromise deed dated 22.03.2022, the present appeal, which was converted into petition under Section 13-B of the Act, is allowed. The parties are granted divorce by way of mutual consent and the impugned judgment dated 06.10.2021, is hereby set aside.

Decree-sheet be prepared, accordingly.

(RITU BAHRI)
JUDGE

31.05.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No