

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

FAO-M-263-2016 (O&M)
Date of decision:- 19.12.2022

Jagwinder Singh

....Appellant

VS.

Amberdeep Kaur

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. K.S. Lakhanpal, Advocate,
for the applicant-respondent.

Mr. Sandeep Khunger, Advocate
for the non-applicant/appellant.

Ritu Bahri, J. (Oral)

C.M. No.1400-CII-2020

The present application is for recalling order dated 05.12.2019 (A-1), vide which the petition filed by the appellant-husband was disposed of by this Court.

After going through the contents of the application, the same is allowed and order dated 05.12.2019 is recalled and restored to its original number. The matter is taken up today itself for disposal.

FAO-M-263-2016

The present appeal has been filed against the judgment and decree dated 10.08.2015 passed by the learned Additional District Judge, Ludhiana, whereby the petition filed by the appellant under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage, has been

The parties solemnized marriage on 03.12.2000 according to Hindu rites and ceremonies. Out of this wedlock, no child was born. On account of temperamental differences, they started living separately. Ultimately, a petition under Section 13 of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage was filed and the same was dismissed vide judgment dated 10.08.2015 passed by the learned Additional District Judge, Ludhiana.

On 05.12.2022, this Court passed the following order,

Both the parties are present in Court today. Vide order dated 02.12.2022, respondent is ready to accept Rs.27 lacs towards permanent alimony. The appellant-Jagwinder Singh has handed over a cheque bearing No. 008096 dated 05.12.2022 drawn on Axis Bank Limited Bhamipura Kalan, Ludhiana, for a sum of Rs.15 lacs to the respondent-Amberdeep Kaur. A copy of the said cheque is taken on record. Both the parties have no objection if the present appeal is converted into a petition under Section 13-B of the Hindu Marriage Act and divorce be granted by way of mutual consent. No other case is pending between the parties and even in future, they will not file any case against each other. Both the parties have got recorded their respective statements to this effect alongwith their Aadhar card copies. This Court while exercising its jurisdictional power is converting the instant appeal to a petition under Section 13-B of the Hindu Marriage Act, 1955. The appellant will bring a demand draft of Rs.12 lacs in favour of the respondent-Amberdeep Kaur on the next date of hearing. List on 19.12.2022, for recording second statements of both the parties.”

On 05.12.2022, the parties have got recorded their statement before this Court. Thereafter, the matter was adjourned for today for recording of second motion statement of the parties.

Today, both the parties are present in Court with their counsels and their statements have been recorded to the effect that they have

amount of Rs.12 lacs vide demand draft No. 031339 dated 16.12.2022 towards permanent alimony. The respondent has stated that nothing is now due to be paid to her by the appellant towards permanent alimony. She stated that the divorce be granted to the parties.

Now the parties have amicably settled their dispute and the respondent has accepted an amount of Rs.27 lacs towards full and final settlement. She has also recorded her statement to this effect, duly signed by her.

Resultantly, the instant appeal already converted into petition under Section 13-B of the Act, vide order dated 05.12.2022, is allowed and judgment and decree dated 10.08.2015 passed by the learned Additional District Judge, Ludhiana, is set aside. Divorce is granted to the parties, by way of mutual consent. However, the parties shall remain bound by their statements recorded before this Court. Decree sheet be prepared accordingly.

Since the main appeal stands allowed, civil misc. applications, if any, shall also stand disposed of.

(RITU BAHRI)
JUDGE

19.12.2022
G Arora

(KARAMJIT SINGH)
JUDGE

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