

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

FAO-672-2017 (O&M)
Date of decision:- 24.08.2022

Anil Kumar

....Appellant

AND

Geeta Devi

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Johan Kumar, Advocate
for the appellant.

Mr. Vikas Kumar, Advocate,
for the respondent.

Ritu Bahri, J. (Oral)

The present appeal has been filed against the judgment and decree dated 22.09.2016 passed by the learned District Judge, Family Court, Faridabad, whereby petition filed by the appellant under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage, was dismissed.

On 13.05.2022, this Court passed the following order:-

“Parties are present in Court today. As per the report of the Mediator dated 09.05.2022, settlement has been arrived at between the parties which is duly signed by both the parties. A perusal of the settlement dated 09.05.2022 shows that the respondent-wife has agreed to accept Rs.29 lacs as full and final settlement towards permanent alimony and maintenance. Today, the appellant has handed over a demand draft bearing No. 298272 dated 10.05.2022 for an amount of Rs. 5 lacs to the

respondent in Court. A copy of the same is taken on record. The first statements of both the parties have also been recorded to this effect and the same are taken on record alongwith the copies of their Aadhar cards.

List on 24.08.2022, for further compliance of the settlement dated 09.05.2022 and for recording second statements of both the parties.

Today, second motion statements of the parties have been recorded to the effect that the matter stands compromised between them. The appellant has handed over draft bearing Nos. 041577 dated 10.08.2022 of Rs.14,00,000/- to the respondent, who was present in the Court. The respondent has stated that she has received the entire amount of Rs.29 lacs and has also withdrawn the cases filed by her against the appellant. Photocopy of the statement of the parties is taken on record as Annexure A-1 and A-2.

An application has been filed today seeking converting the petition under Section 13-B of the Hindu Marriage Act. Registry is directed to assign the number to this application.

Since, the matter stands compromised between the parties, as per mediation report dated 09.05.2022 (Annexure 'X'), the present application to convert the main divorce petition under Section 13 of the Hindu Marriage Act, 1955 into a petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce by mutual consent, is allowed.

Resultantly, the instant petition filed under Section 13-B of the Act is allowed and judgment and decree dated 22.09.2016 passed by the learned District Judge, Family Court, Faridabad. Divorce is granted to the

parties, by way of mutual consent. However, the parties shall remain bound by the terms and conditions of the compromise dated 09.05.2022. Decree sheet be prepared accordingly.

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

(RITU BAHRI)
JUDGE

24.08.2022
G Arora

(NIDHI GUPTA)
JUDGE

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