

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

835

FAO-M-233-2012 (O&M)
Date of decision : 13.07.2022

Ravinder Hooda

Appellant

V/S

Poonam

Respondent

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

Present: Mr. Nitin Rathee, Advocate for the appellant.

Mr. Vivek Khatri, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

The present appeal has been filed by the appellant-husband against the judgment and decree dated 20.07.2012 passed by learned Additional District Judge, 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 granting a decree of divorce was dismissed.

In the present case, the marriage between the parties was solemnized on 20.02.2007 as per Hindu rites and ceremonies. One male child namely Gomzi was born out of this wedlock on 17.11.2007. On account of temperamental differences, they could not pull along together and started living separately. The appellant-husband had filed petition under Section 13(1)(ia) of the Act for dissolution of marriage by granting a decree of divorce which was dismissed vide impugned judgment and decree dated 20.07.2012. Against the said judgment and decree, the appellant-husband has preferred the instant appeal.

The parties are present in the Court today.

Dr. Garima, Counsellor is hereby appointed as Amicus Curiae to assist this Court. The parties will visit the Counsellor today itself and get a report with respect to the needs of share parenting for fulfillment of emotional needs of the child.

After interacting with the parties, Dr. Garima Sharma, has submitted report dated 13.07.2022, which is taken on record as Annexure R-1. A perusal of the said report reveals that both the parties showed their willingness to shared parenting.

Amount of Rs.5,000/- be paid to Dr. Garima, Counsellor for interacting with the parties through High Court Legal Services Authority.

During the pendency of the present appeal, the parties have amicably settled their disputes with the assistance of their respective counsel. As per settlement, the appellant-husband has agreed to pay an amount of Rs.30,00,000/- (Rs.10,00,000 to the respondent-wife and Rs.20,00,000/- to the minor son) as full and final settlement towards permanent alimony which is accepted by the respondent-wife. The parties have no objection if the present appeal is converted into joint petition under Section 13-B of the Act for grant of divorce by way of mutual consent.

The appellant-husband has handed over 02 cheques, one bearing No.572897 dated 06.07.2022 amounting to Rs.10,00,000/- in favour of respondent-wife and other bearing No.572896 amounting to Rs.20,00,000/- in favour of minor son, to the respondent-wife. The amount of Rs.20,00,000/- paid to the minor son shall be converted into

FDR in his favour by the respondent-wife. Statements of both the parties have also been recorded today.

Appellant-Ravinder Hooda and respondent-Poonam has agreed that they will follow the concept of share parenting for fulfillment of emotional needs of the child in consistent manner and this Court appreciate this gesture of both the parents. The child needs emotional balance also to go grow up as strong citizen. Respondent-Poonam has also filed an affidavit dated 13.07.2022 in this regard, which is taken on record.

Since, the statements of both the parties have been recorded, nothing remains due, this Court has suo motu converted the present appeal into petition under Section 13-B of the Act for grant of divorce by way of mutual consent and also allowed the same. The parties are granted divorce by way of mutual consent and the impugned judgment and decree dated 20.07.2012, is hereby set aside.

Decree-sheet be prepared, accordingly.

Since, the main appeal has been allowed, therefore, all the pending miscellaneous applications, if any, also stand disposed of.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

13.07.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No