

CM-829-CII-2022 in/and
FAO-7021-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM-829-CII-2022 in/and
FAO-7021-2018 (O&M)

Date of decision: 30.03.2022

Minakshi

..... Appellant

Versus

Mukesh Kumar

..... Respondent

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

PRESENT: Appellant-Minakshi, in person with
Mr. Rose Gupta, Advocate.

Mr. Sukesh K. Jindal, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

Appellant-Minakshi, has come up in this appeal against the judgment and decree dated 01.11.2018, passed by the learned Principal District Judge, Family Court, Hisar, whereby the petition under Section 13 of the Hindu Marriage Act, 1955, (for short-'the Act'), filed by the respondent-husband for dissolution of marriage by a decree of divorce was allowed.

In the present case, marriage between the parties was solemnized on 28.01.2007, as per Hindu Rites and Ceremonies at Hisar. Out of the wedlock, one female child-Yashika @ Bhoomi, was born on 26.04.2008. After, 2014, due to temperamental and compatibility issues

the marriage between the parties gone into a rough weather and they started living separately since, June, 2014.

Against the judgment and decree dated 01.11.2018, the appellant-wife has preferred the instant appeal. Notice of motion in the instant appeal was issued on 27.11.2018 and the parties were referred to the Mediation and Conciliation Center of this Court, for an out of Court settlement. However, the mediation failed.

Now, the parties have reconciled and have resolved their dispute by an amicable settlement with the intervention of this Court and the respondent-husband has agreed to pay Rs.60,00,000/- as full and final settlement towards permanent alimony to the respondent-wife and minor daughter-Yashika @ Bhoomi. It is agreed between the parties that out of the aforesaid amount of Rs.60,00,000/-, Rs.40,00,000/- shall be utilized by the appellant-Minakshi for purchasing a flat/residential property in the joint name of appellant and minor daughter-Yashika @ Bhumi. It is also agreed that out of the remaining amount of Rs.20,00,000/-, half of the amount i.e. Rs.10,00,000/- shall be deposited in the joint bank account of appellant and minor daughter. The remaining amount of Rs.10,00,000/- shall be deposited in the form of fixed deposit-FDR in a nationalized bank in the joint name of appellant and minor daughter-Yashika, for a minimum period of 5 years or till the age she attains majority. First motion statements of the parties were recorded on 15.02.2022.

The parties have also filed a joint petition under Section 13-B of the Act vide CM-829-CII-2022, for dissolution marriage by way of mutual consent.

Second motion statement of respondent-Mukesh Kumar, was recorded on 10.03.2022, wherein he stated that the matter has been settled between them by way of irrevocable compromise. He has paid Rs.60,00,000/- in total to the appellant-wife towards one time settlement i.e. Rs.20,00,000/- vide cheque No. 668628 dated 15.02.2022 and Rs.40,00,000/- vide cheque No. 454445 dated 10.03.2022. Nothing remains due. He also stated that CRR-3643-2015, filed against the appellant also got dismissed as withdrawn through his mother-Santra Devi, vide order dated 09.03.2022, passed by this Court. He further states that he will abide by the terms and conditions of the settlement as mentioned in the joint petition under Section 13-B of the Act and will not file any case against the appellant-wife, in future.

Today, appellant-Minakshi, is present in Court and her second motion statement has also been recorded, wherein she stated that the matter has been settled between them by way of irrevocable compromise. She has received Rs.60,00,000/- in total from the respondent-husband towards one time settlement i.e. Rs.20,00,000/- vide cheque No. 668628 dated 15.02.2022 and Rs.40,00,000/- vide cheque No. 454445 dated 10.03.2022. Nothing remains due. She further states that she will abide by the terms and conditions of the settlement as mentioned in the joint petition under Section 13-B of the Act and will not file any case against the respondent-husband, in future.

Since, the statements of the parties have been recorded, nothing remains due and they have also complied with all the conditions for application under Section 13-B of the Act, the present appeal as well

as joint petition (CM-829-CII-2022) for grant of divorce by way of mutual consent, are allowed. The parties are granted divorce by way of mutual consent and the impugned order dated 01.11.2018, 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**

March 30, 2022
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No