

Sr.No.232

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

**CM-13618-CII-2022 in/and
FAO-18-2018(O&M)
Date of decision:29.10.2022**

Renu Bala

... Appellant

versus

Arun Parkash Singh

... Respondent

**Coram: Hon'ble Ms. Justice Ritu Bahri
 Hon'ble Ms. Justice Nidhi Gupta**

Present: Mr. Sivender Pal Singh, Advocate for
 Mr. B.S.Bhalla, Advocate
 for the appellant.
 Mr. Ashok Khunger, Advocate
 for the respondent.

Ritu Bahri, J.(Oral)

CM-13618-CII-2022

Since, the matter stands compromised between the parties, as per order dated 25.07.2022, the present application to convert instant appeal 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.

FAO-18-2018

The present appeal has been filed against the judgment and decree dated 16.09.2017 passed by the learned Additional Civil Judge (Sr. Division), Sri Muktsar Sahib whereby petition filed by the appellant under Section 9 of Hindu Marriage Act, 1955 for restitution of Conjugal Rights against the respondent, was dismissed.

On 25.07.2022, this Court passed the following order:-

Appellant-Renu Bala, is present with her mother namely Babli and respondent-Arun Parkash Singh is present with his father namely, Daulat Ram.

It is contended that the marriage of the parties was solemnized in the year 2015 and they are living separately since 2016, and there is no child from this marriage.

Today, the parties have agreed to dissolve their marriage by way of mutual consent and the appellant has accepted offer of Rs.12,00,000/- as permanent alimony. The statements of both the parties have been recorded to the effect that the respondent will transfer an amount of Rs.4,00,000/- in favour of the appellant, in her bank account bearing Account No. 4669001500022452, IFSC Code: PUNB0466900

through RTGS and the appellant will withdraw all the pending cases arising out of the matrimonial dispute i.e. petition under Section 125 Cr.P.C, petition under Section 12 of Domestic Violence Act as well as complaint under Section 406, 498-A and 120-B IPC.

The respondent will make payment of remaining Rs.8,00,000/- on the next date of hearing i.e. 13.10.2022, when the statements of second motion are to be recorded.

In the meantime, application to convert the appeal into petition under Section 13-B of the Hindu Marriage Act, be filed. “

Today, again statements of the parties have been recorded to the effect that the matter stands compromised between the parties. The respondent has handed over Rs.8 lakhs through draft bearing No.017966 dated 13.10.2022 drawn in favour of the appellant. Photocopy of the draft is taken on record.

Resultantly, the instant appeal, is allowed and judgment and decree dated 16.09.2017 passed by the learned Additional Civil Judge (Sr. Division), Sri Muktsar Sahib is set aside. 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. Decree sheet be prepared

accordingly.

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

[RITU BAHRI]
JUDGE

29th October, 2022

[NIDHI GUPTA]
JUDGE

Shivani Kaushik

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No