

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-323-2018 (O&M)

Date of decision: 31.05.2022

Daljit Singh

..... Appellant

Versus

Gurjit Kaur

..... Respondent

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

PRESENT: Appellant-Daljit Singh in person with
Mr. S.S. Jattan, Advocate.

Respondent-Gurjit Kaur, in person with
Mr. Krishan Singh, Advocate.

Mr. Pawan Girdhar, Addl. A.G., Haryana.

RITU BAHRI, J. (ORAL)

Appellant-Daljit Singh, has come up in this appeal against the judgment and decree dated 20.08.2018, passed by the learned Additional District Judge, Yamun Nagar at Jagadhri, whereby the petition under Section 13 of the Hindu Marriage Act, 1955, (for short-'the Act'), filed by the appellant-husband for dissolution of marriage by a decree of divorce was dismissed.

In the present case, marriage between the parties was solemnized on 30.04.2014 at Gurudwara Jagadhri, according to Sikh rites and ceremonies. It was the second marriage of both the parties. No child was born out of this wedlock. Due to temperamental and compatibility

issues the marriage between the parties gone into a rough weather and the respondent-wife left the matrimonial house in the year 2015.

Notice of motion in the instant appeal was issued on 19.11.2018 and the matter was referred to the Mediation and Conciliation Center of this Court, for an out of Court settlement vide order dated 25.03.2019. However, the mediation has failed.

Now, the parties have reconciled and have resolved their dispute by an amicable settlement vide settlement/compromise deed dated 01.04.2022 (Annexure A-1) and the appellant-husband has agreed to pay Rs.2,00,000/- as full and final settlement towards permanent alimony to the respondent-wife. It has also been agreed between the parties that appellant-husband will get the sale deed/transfer deed registered in favour of respondent-wife of the residential house situated in village Khera Khurd, Tehsil Jagadhri. Out of the agreed amount of Rs.2,00,000/-, an amount of Rs.50,000/- in cash had been paid by the appellant-husband to the respondent-wife on 17.05.2022 and first motion statements of the parties were also recorded on the said date.

Today, the parties are present in Court and pursuant to the settlement/compromise (Annexure A-1), the appellant-husband has paid the remaining amount of Rs.1,50,000/-in cash to the respondent-wife in Court today. Second motion statements of both the parties have also been recorded. With respect to transfer of the residential house in favour of respondent-wife by the appellant-husband, he has already move an application dated 26.05.2022, before the Tehsildar, Saraswati Nagar, District Yamuna Nagar.

A direction is being given to learned counsel for the State that he will give instructions to the Tehsildar, Saraswati Nagar, District Yamuna Nagar, to transfer the residential house situated in village Khera Khurd, Tehsil Jagadhri, in the name of respondent-Gurjit Kaur, as per the application dated 26.05.2022, moved by the appellant and the compliance report be sent to this Court, within one month.

A copy of the application dated 26.05.2022 as well as the instant appeal be supplied to learned State counsel, during the course of the date.

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 is allowed. The parties are granted divorce by way of mutual consent and the impugned order dated 20.08.2018, is hereby set aside.

Decree sheet be prepared accordingly.

All the pending miscellaneous applications, if any, also stand disposed of.

**(RITU BAHRI)
JUDGE**

May 31, 2022
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No