

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

FAO-M-70-2013 (O&M)
Date of decision:-29.08.2022

Major Sukhjit SinghAppellant

VS.

Kiranjit Kaur ...Respondent

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

Present: Mr. Angrej Singh, Advocate, for
Mr. J.S. Brar, Advocate
for the appellant.

Mr. Manuj Nagrath, Advocate,
for the respondent.

Ritu Bahri, J. (Oral)

The present appeal has been filed against the judgment and decree dated 12.12.2012 passed by the learned Additional District Judge, Kapurthala, whereby the petition filed by the appellant under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage, has been dismissed.

The marriage between the parties was solemnized on 12.03.2008 by way of Anand Karaj at Kapurthala. Out of this wedlock, one child namely Vikramjeet Singh was born. On account of temperamental differences, they started living separately. Ultimately, a petition under Section 13 of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage was filed and the same was dismissed vide judgment and decree dated 12.12.2012.

On 05.08.2022, this Court passed the following order,

“Both the parties are present in Court today.

Learned counsel for the parties have filed in Court a joint application under Order VI Rule 17 of the Civil Procedure Code for amendment and conversion of this appeal into a joint petition under Section 13-B of the Hindu Marriage Act, 1955, in view of compromise dated 05.08.2022 (Annexure P-1) effected between the parties. The application is taken on record.

For the reasons stated in the application, the same is allowed and the main appeal is ordered to be converted into a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for grant of decree of divorce by mutual consent. Registry to assign the number to the application, after following the due procedure.

As per compromise Annexure P-1, appellant-husband shall pay an amount of Rs.40,00,000/- towards permanent alimony for the future of respondent-wife and minor son-Vikramjeet Singh. Out of the aforesaid agreed amount, appellant-Sukhjit Singh has handed over a demand draft No. 113003 dated 03.08.2022 amounting to Rs.20,00,000/- to the respondent-wife in Court today. Photocopy of the said demand draft is taken on record. First motion statements of the parties have also been recorded.

This matter is being adjourned to 18.08.2022, for recording second motion statements of the parties and for payment of remaining amount of Rs.20,00,000/- by the appellant-husband to respondent-wife.”

On 05.08.2022, the parties have got recorded their statement before this Court. Thereafter, the matter was adjourned to 18.08.2022 for recording of second motion statement of the parties.

However today, both the parties are present in Court with their counsels and their statements have been recorded to the effect that they have

compromised the matter and the respondent-wife has taken Rs.20 lacs on the last date of hearing and remaining Rs.20 lacs today vide demand draft No. 113005 towards permanent alimony.

Resultantly, the instant petition filed under Section 13-B of the Act is allowed and judgment and decree dated 12.12.2012 passed by the learned Additional District Judge, Kapurthala, 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 dated 05.08.2022. Decree sheet be prepared accordingly.

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

(RITU BAHRI)
JUDGE

29.08.2022

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(NIDHI GUPTA)
JUDGE

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