

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

FAO-M-413-2015 (O&M)
Date of decision 04.03.2022

Jaswinder Kaur

....Appellant

VS.

Ranjit Singh

...Respondent

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

Present: Mr. Rishav Jain, Advocate,
for the applicant-appellant.

Mr. Harsh Aggarwal, Advocate,
for the non-applicant/respondent.

Ritu Bahri, J. (Oral)

C.M. No. 4762-CII-2020

Application is allowed as prayed for.

Accordingly, affidavit dated 12.02.2020 is taken on record.

C.M. No. 11847-CII-2021

Exemption application is allowed as prayed for.

C.M. No. 8777-CII-2021

Since the main case is listed today, the present application is
dismissed as rendered infructuous.

C.M. No. 11850-CII-2021

Since, the matter stands compromised between the parties
pursuant to order dated 08.10.2021 (A-1), the present application for
amendment of main divorce petition under Section 13 of the Hindu
Marriage Act, 1955 into a petition under Section 13-B of the Hindu
Marriage Act, 1955 for dissolution of marriage by decree of divorce through

mutual consent, is allowed.

C.M. No. 11851-CII-2021 in/and FAO No. M-413-2015

The present appeal has been filed against the judgment and decree dated 09.09.2015 passed by the learned Additional District Judge, Sangrur, whereby petition filed by the respondent under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage, has been allowed.

The parties solemnized marriage on 19.01.2007 at Sunam by way of Anandkaraj ceremony. Out of this wedlock, a female child namely Komaljeet Kaur was born on 03.10.2007. On account of temperamental differences, they started living separately since 20.04.2008. 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 allowed vide judgment and decree dated 09.09.2015.

On 08.10.2021, this Court passed the following order,

“Appellant-Jaswinder Kaur along with her father, namely, Manjeet Singh, daughter, namely, Komaljeet Kaur and respondent- Ranjit Singh is present in court today.

After interacting with both the parties, appellant-Jaswinder Kaur has agreed to accept Rs.15,00,000/- as full and final alimony to bring up her daughter, namely, Komaljeet Kaur and for mutual consent divorce as well.

Adjourned to 01.11.2021.

Respondent-Ranjit Singh will give a demand draft in the name of appellant-Jaswinder Kaur for an amount of Rs.7,50,000/- on the next date of hearing.

On the next date of hearing, appellant can make an application under Section 13-B of the Hindu Marriage Act, 1955, giving details of the criminal cases pending between the parties and the appellant will also make efforts to find out the house which she can purchase in City Sunam,

District Sangrur, in her name or in the name of her daughter.

On 01.11.2021, learned counsel for the respondent has handed over a draft of Rs.7,50,000/- to appellant-Jaswinder Kaur, who was present in the Court. Photocopy of the draft was taken on record and the same is now marked as Annexure 'D'. Thereafter, the matter was adjourned to 09.02.2022 for payment of the remaining 7,50,000/- to the appellant.

Today, both the parties along with their daughter are present in Court with their counsels and their statements have been recorded to the effect that they have compromised the matter and the appellant has taken Rs.15 lacs towards permanent alimony. Today, a draft of Rs.7.50 lacs has been given to the appellant by the respondent, which is taken on record as Annexure 'E'. They have given copies of aadhar cards, which are taken on record as Annexure B & C.

Resultantly, the instant petition filed under Section 13-B of the Act is allowed and judgment and decree dated 09.09.2015 passed by the learned Additional District Judge, Sangrur 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, as mentioned in the order dated 08.10.2021. Decree sheet be prepared accordingly.

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

(RITU BAHRI)
JUDGE

04.03.2022

G Arora

(ASHOK KUMAR VERMA)
JUDGE

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