

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-7079-2019 (O&M)

Date of decision:19.12.2022

Shallu Rani

....Appellant

V/s.

Varinder Kumar

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sushil Bhardwaj, Advocate
with the appellant.

Mr. Anuj Balian, Advocate
with the respondent.

Ritu Bahri, J. (Oral).

CM-17957-CII-2022

Application for disposing of the appeal in view of the settlement dated 15.12.2022 (Annexure A-1) is allowed.

FAO-7079-2019

The appellant has come up in appeal against the order and decree dated 07.09.2019 passed by the Family Court, Panchkula whereby her petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce has been dismissed.

Parties are present in Court today and they have made their respective statements which are taken on record. As per the statement of the appellant, she states that she has settled the matter by way of mutual settlement dated 15.12.2022 (Annexure A-1) and agrees to receive a sum of Rs.1.50 lacs in the form of demand draft to be issued in favour of her

daughter namely Kirtika on the next date of hearing before the learned trial Court i.e. 13.01.2023 towards full and final settlement in the maintenance proceedings pending under Section 125 Cr.P.C. before the learned trial Court. She undertakes to withdraw the maintenance proceedings under Section 125 Cr.P.C. pending before the learned trial Court after receiving the above mentioned demand draft. After receipt of the said amount, nothing more is to be received by her on any account. She will also bear all the expenses of her daughter, Kirtika and will not claim any maintenance for herself as well as for her daughter in any way. She further undertakes to give visiting rights to the respondent-Varinder Kumar to meet his daughter once in a month on any decided Sunday in between 10am-7pm. She has no objection if the present appeal is converted into a petition under Section 13-B of the Hindu Marriage Act and divorce be granted by way of mutual consent. No other case is pending between the parties and even in future, she will not file any case against the respondent-Varinder Kumar arising out of the present marriage. The respondent has also made a statement to this effect.

Keeping in view the statements made by both the parties, who are physically present to attend the Court proceedings today and are being represented through their counsels, this Court while exercising its jurisdictional power is converting the instant appeal to a petition under Section 13-B of the Hindu Marriage Act, 1955. The same is allowed and the order and decree dated 07.09.2019 passed by the Family Court, Panchkula is set aside. The marriage between the parties is hereby dissolved

by way of mutual consent. Decree-sheet be drawn accordingly.

(RITU BAHRI)
JUDGE

19.12.2022
Divyanshi

(MANISHA BATRA)
JUDGE

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