

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

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FAO-5859-2018 (O&M)
Date of Decision:-11.10.2022

Gopal

...Appellant

Versus

Saroj

...Respondent

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Appellant in person with
Mr. Parveen Kumar, Advocate and
Mr. Abhimanyu Singh, Advocate

Respondent in person with
Mr. Balraj Gujjar, Advocate.

RITU BAHRI, J.(Oral)

The appellant has come up in appeal against the impugned order dated 30.01.2014 passed by the District Judge (Family Court), Bhiwani whereby the application filed by the respondent-wife under Order 7 Rule 11 read with Section 151 CPC has been allowed and the petition filed by the appellant under Section 13 (1) (ia) (ib) of the Hindu Marriage Act has been dismissed.

Marriage between the parties was solemnized on 01.05.1997. Out of this marriage, no child was born. However, due to temperamental differences, they could not pull on together. They are living separately since 1998. Ultimately, the appellant had filed a petition under Section 13 of the Hindu Marriage Act, which was dismissed vide judgment dated 02.03.2002 passed by the Additional District Judge, Bhiwani. The appellant had approached this Court assailing the judgment dated 02.03.2002 by way of filing FAO-142-M-2002 which came up hearing before this Court on 19.07.2006, Vide Order dated 19.07.2006 passed by this Court, the said

FAO was dismissed by this Court. Thereafter, the petitioner again filed a petition under Section 13 (1) (ia) (ib) of the Hindu Marriage Act seeking dissolution of marriage. The said petition has been rejected under Order 7 Rule 11 read with Section 151 CPC vide impugned order dated 30.01.2014 passed by District Judge (Family Court), Bhiwani. Feeling aggrieved with the said order, he preferred the instant appeal. During the pendency of this appeal, the matter has been amicably resolved between the parties and as per the compromise, appellant-husband had offered to give Rs.20 Lakhs, as one time settlement, to the respondent-wife. They have decided to part their ways.

Pursuant to the said compromise, statements of the parties were also recorded separately. On 16.05.2022, out of the settled amount of Rs.20 Lakhs, appellant had undertaken that he will transfer Rs.5 lakh in the bank account of the respondent within one week and remaining amount of Rs.15 Lakhs was to be paid within next five months. Today, appellant and respondent are present in Court and have made their respective statements. Smt. Saroj-respondent states that she is ready and willing to give divorce to the appellant on her own free will and without any pressure or influence. As per the settlement, she has already received the settled amount of Rs.20 lakh from the appellant. Now, nothing remains to be paid to the respondent-wife. The appellant Gopal has also made a statement to the same effect. To exercise inherent powers of this Court, the appeal is *suo moto* converted into an petition under Section 13-B of the Hindu Marriage Act.

Keeping in view the statements made by both the parties, who are physically present in Court today and are being represented through their counsels, the appeal is allowed and the impugned order dated

30.01.2014 passed by the District Judge (Family Court), Bhiwani are set aside. Marriage between the parties is hereby dissolved by way of mutual consent between the parties. Petition filed by the parties under Section 13-B of the Hindu Marriage, 1955 is decreed.

Decree-sheet be drawn accordingly.

(RITU BAHRI)
JUDGE

October 11, 2022
Mehak

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No