

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

**FAO-M No.48 of 2019(O&M)
Date of Decision: 16.08.2023**

Kuldeep Singh

.....Appellant

Vs

Surinder Kaur

.....Respondent

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*
*HON'BLE MR. JUSTICE HARPREET SINGH BRAR***

Present: Ms. Vini Mahajan, Advocate for
Ms. Anju Sharma, Advocate
for the petitioner.

Mr. Sanyam Malhotra, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

CM No.14055-CII of 2023

This is an application under Section 151 CPC for disposal of the appeal in view of settlement dated 02.05.2023 effected before the Mediation and Conciliation Centre of this Court.

In view of prayer made in this application, the main appeal is taken up today itself.

Main case

[1]. The present appeal has been directed against the order

dated 18.10.2018 passed by the Additional District and Sessions Judge, Hoshiarpur, dismissing the petition under Section 13-B of the Hindu Marriage Act.

[2]. The aforesaid order came to be passed by the Additional District and Sessions Judge on the premise that the respondent-wife withdrew her consent with some background in the context of not allowing her to meet the children in the present appeal. The matter was referred to Mediation and Conciliation Centre of this Court, where both the parties have successfully entered into a settlement dated 02.05.2023 on the following terms and conditions:-

- a) The parties have decided that Kuldeep Singh and Surinder Kaur will not be able to live as husband and wife and have decided to part ways by getting divorce from each other on the basis of mutual consent.*
- b) It has been further decided between the parties that both the parties had moved a petition under Section 13-B of Hindu Marriage Act before the Ld. Addl. District & Sessions Judge, Hoshiarpur, which stands dismissed now vide order dated 18.10.2018 passed by the Ld. Addl. District & Sessions Judge, Hoshiarpur. In continuation of the earlier compromise, now the second party/respondent-Surinder Kaur has agreed to receive an amount of Rs.4,00,000/- (Rupees Four Lacs only) vide Demand Draft No.760198, dated 21.04.2023, State Bank of India, Main Branch, Mohali, from Kuldeep Singh-first party/appellant as full and final amount for present, past and future maintenance and alimony.*

c) The second party/respondent- Surinder Kaur will have no objection if the present FAO-M-48 of 2019 be allowed by this Hon'ble High Court in terms of the compromise arrived at Mediation Centre of this Hon'ble Court. Both the parties shall be bound to make respective statements for second motion for grant of divorce by mutual consent.

d) Both the parties shall be bound by the order dated 20.02.2023 passed by this Hon'ble High Court that appellant/first party has no objection in case the respondent/second party-Surinder Kaur meets the minor child-Lakshpreet Singh twice a month on first and third Saturday of every month at A.D.R. Centre, Mohali from 11.00 A.M. to 3.00 P.M.

[3]. According to the aforesaid terms and conditions, both the parties have decided to part ways by getting divorce from each other on the basis of mutual consent. Both the parties had already moved a petition under Section 13-B of the Hindu Marriage Act, but the same was dismissed vide the impugned order dated 18.10.2018. In continuation of the earlier compromise, both the parties have again struck a settlement, whereby the respondent-wife has agreed to receive an amount of Rs.4 lacs.

[4]. Both the parties are *ad idem* that the aforesaid amount has already been paid towards present past and future maintenance and alimony.

[5]. The respondent-wife will have no objection in case the

present appeal is allowed on the basis of compromise.

[6]. At the time of passing of the impugned order, the first motion statement had already been recorded before the concerned Court. The second motion statement could not be recorded due to withdrawal of the consent by the respondent-wife.

[7]. Learned counsel for the respondent submits that the respondent-wife has no objection in case, the present appeal is allowed and the impugned order dated 18.10.2018 passed by the Additional District and Sessions Judge, Hoshiarpur is set aside.

[8]. As a consequence of the consensus arrived at between the parties, this appeal is allowed. Impugned order dated 18.10.2018 passed by the Additional and District Sessions Judge, Hoshiarpur is set aside. Both the parties are now directed to appear before the Additional and District Sessions Judge, Hoshiarpur for recording their second motion statement within a period of one month.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

16.08.2023

Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No