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

FAO-181-2021

Date of decision : 19.05.2023

SURINDER KAUR

.....Appellant

VERSUS

JASWINDER LAL

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Mohit Vashisht, Advocate and
Mr. Rajpreet Brar, Advocate for the appellant.

Mr. Rishu Mahajan, Advocate for the respondent.

LISA GILL J. (ORAL)

1. This appeal has been filed by the appellant-wife, challenging order dated 28.02.2020 passed by the learned Family Court, Jalandhar, whereby petition under Section 13-B of the Hindu Marriage Act (for short 'Act'), filed by both the parties, was rejected as the respondent-husband had withdrawn his consent and failed to record his statement at second motion.

2. Parties duly identified by their respective counsel, are present in the Court.

3. Learned counsel for respondent submits that differences and issues which had arisen causing him to withdraw his consent for dissolution of marriage by mutual consent have now been resolved and he now seeks dissolution of marriage between the parties. Both the parties submit that order dated 28.02.2020 be set aside and petition under Section 13-B of the Act be

revived. It is further submitted that their statements recorded at first motion

before the learned Family Court on 22.08.2019 be also revived and that they affirm the same.

4. Both of them affirmed and verified the factum of settlement between them and submitted that all differences and disputes have been settled amicably and it is not possible for them to resume cohabitation. Both of them are stated to be living separately from March, 2018. Minor child born from this wedlock is with the appellant. It is agreed that his custody shall continue to remain with her and that respondent would not claim his custody. It is stated that this settlement has been arrived between the parties out of their free will, without any pressure, coercion and undue influence from any quarter. It is further stated that they would not initiate any proceedings, civil or criminal against each other or their family members in relation to their matrimony and that pending proceedings, if any, shall be withdrawn by them. In the given factual matrix and at request of learned counsel for the parties statements of the parties at second motion have been recorded today before this Court

5. Keeping in view the facts and circumstances as above, we find that settlement arrived at between the parties is genuine. They have been living separately since March 2018. Resumption of matrimonial ties between the parties is not a possibility in the given circumstances. It is further agreed that minor child born from this wedlock is with the appellant and his custody shall continue to remain with the mother and respondent would not claim custody.

6. Accordingly, judgment and decree dated 28.02.2020 passed by the learned Family Court, Jalandhar, is set aside. Marriage between the parties solemnized on 04.09.2016 stands dissolved while accepting their petition under Section 13-B of the Act. Parties shall remain bound by the terms and

conditions of the settlement arrived at between them. Decree sheet be prepared accordingly.

- 7. Appeal is disposed of accordingly.
- 8. Pending miscellaneous application/s, if any, shall stand disposed of accordingly.

(LISA GILL)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

19.05.2023

Sonia	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>