

110
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1498 of 2023 (O&M)
Date of Decision: 18.10.2023

Kalvinder Singh Nijjar
Versus
Amarjeet Kaur
-Appellant
-Respondent

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

Present: Mr. Amit Bansal, Advocate, and
Mr. Divyansh, Advocate,
for the appellant.

Respondent in person with
Mr. Mikhail Kad, Advocate.

RAJ MOHAN SINGH, J. (Oral)

CM-18581-CII-2023

This is an application under Section 151 CPC filed by the applicant-respondent for preponing the date of hearing which is already fixed for 23.01.2024.

In the present application, the applicant-respondent has pleaded that FIR No.226 dated 03.08.2011 got registered by her under Sections 420, 406, 34 IPC against her husband and father-in-law is pending in Police Station City Sangrur. She had also filed a complaint under Domestic Violence Act against her husband and his parents which was dismissed on 06.12.2017

and an appeal is pending against the said order.

The present appeal has been preferred by the appellant-husband against the judgment and decree dated 20.01.2023 passed by the Family Court, Sangrur under Section 11 of the Hindu Marriage Act vide which petition filed by the appellant-husband under Section 11 of the Hindu Marriage Act was dismissed.

Now, in the application and the affidavit attached therewith, the applicant-respondent has submitted that she wants to end the entire litigation by way of giving concession in favour of the appellant. The parties are living separately for the last more than 13 years and now, the applicant-respondent wants to lead her new life by ending all the litigation with the appellant. She does not wish to have any type of maintenance, compensation or any permanent alimony from the appellant-husband in pending litigation, except a litigation cost of Rs.25,000/- which was ordered to be paid vide order dated 10.08.2023 in the present appeal.

A cheque bearing No.986503 dated 18.10.2023 in a sum of Rs.25,000/- has been handed over to the respondent.

Applicant-respondent submits that she has no objection in respect of pending litigations, present appeal be accepted and she will make necessary statement in pending litigations wherever they are pending.

In view of consensus arrived at between the parties, the date of hearing is preponed and the main case is taken up today.

Main case

For the reasons recorded in the aforesaid part of the order, we deem it appropriate to consider the out of court settlement between the parties to be genuine settlement. Respondent is present in Court along with her counsel and has replied to the queries put by the Court in affirmative and she has endorsed that she has no objection in case this appeal is accepted by setting aside the impugned judgment and decree. She has categorically prayed in the application-cum-settlement that FAO No.1498 of 2023 be accepted and the marriage between the parties be declared as null and void from the date of marriage i.e. 16.04.2011.

Applicant-respondent has been duly identified by her counsel who also endorses genuineness of out of court settlement between the parties.

For the reasons recorded hereinabove, we deem it appropriate to accept the present appeal thereby setting aside the judgment and decree dated 20.01.2023 passed by the Family Court, Sangrur.

Decree sheet be prepared accordingly.

(RAJ MOHAN SINGH)
JUDGE

18.10.2023
Jyoti Sharma

(HARPREET SINGH BRAR)
JUDGE

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