

FAO-1325-2022 (O&M) and
FAO-597-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1325-2022 (O&M)
Date of Decision: 15.03.2023

Inderjeet Singh Appellant(s)
&

Mona Yadav Respondent(s)

with

FAO-597-2022 (O&M)

Mona Yadav Appellant(s)
&

Inderjeet Singh Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Sandeep Singh Sangwan, Advocate
for the appellant in FAO-1325-2022 and
for the respondent in FAO-597-2022.

Mr. Sudhir Rana, Advocate
for the respondent in FAO-1325-2022
for the appellant in FAO-597-2022.

LISA GILL, J.

FAO-1325-2022 has been filed for setting aside judgment and decree dated 26.11.2021, passed by learned Principal Judge, Family Court, Rewari, whereby petition under Section 13 (1)(ia) & (ib) of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act), filed by the husband has been dismissed. However, the husband has been held entitled to visit the minor daughter once a week from 10:00 A.M. to 1:00 P.M. on every Sunday. FAO-597-2022 has been filed by the wife challenging grant of said visitation rights to the husband.

Learned counsel for the parties submit that during pendency of this appeal, matter has been amicably resolved between the parties. They have decided to part ways by way of mutual consent and seek dissolution of their marriage, which was solemnized on 19.04.2013. In terms of the agreement, a sum of ₹75,00,000/- has been paid by the husband – Inderjeet Singh @ Inderjit Singh as full and final settlement of all claims of the wife and child - past, present or future including maintenance, permanent alimony etc. qua him. Out of the said amount FDR No.R30042551 dated 20.02.2023, for a sum of ₹37,50,000/- has been prepared by the wife in favour of minor daughter namely Bhavika, for a period of 09 years .

Husband - Inderjeet Singh @ Inderjit Singh, it is stated, is presently residing in USA and is represented by his Special Power of Attorney Holder and father namely Mahabir Singh son of Nand Kishor, who is present in Court. Application seeking conversion of the petition into one under Section 13-B of the Act was accepted on 23.01.2023. Statements of the parties at first motion were recorded on the said date with statement of husband being recorded through his Special Power of Attorney Holder. Husband, represented by his father and Special Power of Attorney Holder and the wife present in Court, duly identified by their counsel reiterate the agreement arrived at between them.

Smt. Mona Yadav, present in Court states that she had received a demand draft of ₹37,50,000/- in favour of her minor daughter on 23.01.2023. Said amount has been converted into FDR which shall mature on 20.02.2032. It is further stated by her that she has received demand draft dated 13.03.2023 for rest of amount of ₹37,50,000/-. Copies of both the

demand drafts, are taken on record, subject to just exception. She further states that entire claim qua the husband stands fulfilled and the same is accepted by her as full and final settlement of all her and her minor daughter's claims - past, present and future including permanent alimony, maintenance etc. It is submitted that custody of minor child would remain with her. She further states that in terms of the agreement, she seeks to withdraw her appeal i.e. FAO-597-2022.

Mr. Mahabir Singh – Special Power of Attorney Holder of the husband Inderjeet Singh @ Inderjit Singh, present in Court while reaffirming the terms and conditions of the agreement states that custody of minor child shall not be claimed and neither would visitation rights be claimed.

Husband, represented by his father-cum-Special Power of Attorney Holder and the wife present in Court, reiterate the terms and conditions of the agreement as well as the averments in the petition under Section 13-B of the Act. It is stated that settlement has been arrived out of their own free will and volition, without any pressure, coercion and undue influence from any quarter. Both of them submit that the husband and wife have been living separately since May, 2014 and there is no possibility of resumption of matrimonial ties between them despite best efforts and that there is no impediment to allow the petition under Section 13-B of the Act. Parties seek waiver of statutory period of six months for recording their statements at second motion as it is submitted that there is no possibility of parties cohabiting together and would only prolong their agony while preventing them from moving alongwith their lives. In support of this assertion, reliance has been placed upon the judgment of the Hon'ble

Supreme Court in *Amardeep Singh Vs. Harveen Kaur, 2017(8) SCC 746*, wherein the Hon'ble Supreme Court has held that the Court in case of there being no hope of bringing together the parties, with parties being unable to live with each other in future, said mandatory period can be waived off.

In the light of the facts and circumstances of the present case and keeping in view the judgment passed by the Hon'ble Supreme Court in *Amardeep Singh's* case (supra), this Court is satisfied that parties have not been able to live together since May, 2014 and there is complete disruption of marital relations. With no possibility of reconciliation between them despite earnest efforts for reconciliation, marriage has broken irretrievably. Parties have genuinely settled their differences and waiting period will merely prolong their agony. Parties have thus made out a case for waiver of statutory period of six months. Ordered accordingly.

Accordingly, their statements at second motion have been recorded separately today. Both the parties while reiterating their statements at first motion, submit that the husband and wife have agreed to part ways on the terms and conditions as detailed in the petition under Section 13-B of the Act, out of their own free will and volition, without any kind of pressure, coercion or undue influence from any quarter and that they shall remain bound by the terms and conditions of said Agreement. Mahabir Singh, Special Power of Attorney Holder of the husband, present in Court reiterated that Power of Attorney executed in his favour is valid and has not been revoked and that he is fully authorized by his son Inderjeet Singh @ Inderjit Singh to compromise the matter and record statements on his behalf.

Terms and conditions of the agreement are accepted by Inderjeet Singh @ Inderjit Singh, who undertakes to be bound by the same.

It is a matter of record that the parties are living separately since May, 2014 and despite earnest efforts all attempts for reconciliation and resumption of matrimonial ties have failed. There is indeed no possibility of the parties resuming matrimonial ties. There is no impediment apparent on record in allowing the petition under Section 13-B of the Act.

Keeping in view the facts and circumstances, judgment and decree dated 26.11.2021, passed by learned Principal Judge, Family Court, Rewari, is set aside. Petition under Section 13-B of the Hindu Marriage Act, 1955 is allowed. Marriage solemnized between Inderjeet Singh @ Inderjit Singh and Mona Yadav is dissolved by way of mutual consent under Section 13-B of the Act. Parties shall remain bound by the terms and conditions of the agreement as detailed in the petition under Section 13-B of the Act.

Appeal i.e. FAO-1325-2022, filed by husband - Inderjeet Singh @ Inderjit Singh, is disposed of accordingly. Decree sheet be prepared accordingly. Appeal i.e. FAO-597-2022, filed by wife - Mona Yadav is accordingly dismissed as withdrawn.

Pending miscellaneous applications, if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

15.03.2023

Sunil

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