

FAO No.3093 of 2019 (O&M)

1

245

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3093 of 2019 (O&M)

Date of Decision: 21.08.2023

SWAPNANIL NEOGI

.....Appellant

Vs

TARUN GUHA NEOGI

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*
*HON'BLE MR. JUSTICE HARPREET SINGH BRAR*Present: Mr. Neeraj Sharma, Advocate
along with the appellant in-person.Mr. Satyajeet Singh, Advocate
along with the respondent in-person.

RAJ MOHAN SINGH, J. (Oral)**CM-10569-CII-2019**

There is delay 4 days in filing the present appeal.

Notice of this application was issued on 09.05.2019.

For the reasons mentioned in the application, the same is allowed. Delay of 4 days in filing the present appeal is condoned.

Main case

Both the parties have successfully and amicably resolved the dispute. The petition under Section 13 of the Hindu Marriage Act was converted into a petition under Section 13-B

of the Hindu Marriage Act vide order dated 02.03.2023. First motion statements of the parties were recorded on 02.03.2023. After mandatory period of six months, joint statements of the parties has been recorded today. Both the parties have been identified by their counsel, who have also signed the joint statement as a token of confirmation.

Both the parties have endorsed the factum of settlement and their statements recorded at first motion stage and they are fully agreed with the terms and conditions of the compromise. The terms and conditions of the compromise have also been fully satisfied. All the ingredients of Section 13-B of the Hindu Marriage Act are duly satisfied.

Both the parties have decided to part ways after living separately for a considerable period. The compromise arrived at between the parties can be taken to be a genuine compromise in view of provisions for alimony/permanent alimony. The daughter has already attained majority. The visitation rights have also been granted to the wife.

This Court is satisfied that the parties are living separately for more than statutory period and all the efforts made in respect of mediation and conciliation centre had already failed. Now the parties have successfully struck a

FAO No.3093 of 2019 (O&M)

balanced compromise which according to this Court is just and reasonable.

In view of aforesaid, the petition under Section 13-B of the Hindu Marriage Act is allowed. The marriage between the parties is dissolved and a decree of divorce by mutual consent is ordered to be granted. Consequently, the decree of divorce by mutual consent is ordered to be drawn. Normal consequences to follow.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

August 21st, 2023

Atik

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