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

**FAO No.1731 of 2023 (O&M)
Date of Decision: 03.08.2023**

Krishna Devi

.....Appellant

Vs

Om Parkash

.....Respondent

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

Present:Ms. Balpreet K. Sidhu, Advocate
with the petitioner/Krishna Devi in-person.

Ms. Rinki, Advocate
with the respondent/Om Parkash in-person.

RAJ MOHAN SINGH, J.

[1]. The appellant has preferred this appeal against the judgment and decree dated 20.10.2022 passed by the Principal Judge, Family Court at Rewari vide which the petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 was decreed at the instance of the respondent-husband and a decree for divorce was granted by dissolving the marriage under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955.

[2]. The appellant has also preferred an application under Section 5 of the Limitation Act seeking condonation of delay of 85 days in filing the present appeal. Notice in the application was issued on 17.04.2023 for today.

[3]. Today, both the parties have appeared along with their Advocates.

[4]. Learned counsel for both the parties are *ad idem* that the parties have decided to live together despite a decree of divorce obtained by the respondent-husband.

[5]. The marriage was solemnized on 25.06.1978. The marriage was consummated and three children took birth out of the said wedlock. Now for the sake of their children, both the parties have decided to live together after a separation of about two years.

[6]. Both the parties have also filed joint affidavit to the effect that an *ex parte* divorce was granted to the respondent-husband on the ground of desertion. Now both the parties i.e. Om Parkash and Krishna Devi are happily residing together after compromising the disputes between them with the intervention of their children. Now they are residing happily together under the same roof. The joint affidavit executed by Om Parkash and Krishna Devi is taken on record as Ex.C-1. The respondent-Om Parkash has also filed his individual affidavit on the same lines pleading no objection if the judgment and decree dated 20.10.2022 is set aside in view of compromise between the parties. This affidavit is also taken on

record as Ex.C-2. Both the parties have been identified by their Advocates.

[7]. In view of consensus arrived at between the parties, this appeal is allowed. The impugned judgment and decree dated 20.10.2022 passed by the Principal Judge, Family Court at Rewari in a petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 filed by Om Parkash Solanki against Krishna Devi is hereby set aside. Normal consequences to follow.

[8]. The application for condonation of delay is also disposed of accordingly along with other pending applications, if any.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

August 3rd , 2023

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No