

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

FAO-1980-2022 (O&M)

Date of Decision: May 03, 2023

Harpal Singh

..... Appellant

Versus

Surjit Kaur

..... Respondent

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

Present: Ms. Sushma Chopra, Advocate for the appellant

Ms. Simi Kandra, Advocate for the respondent.

LISA GILL, J.

1. This appeal has been filed by the appellant – husband challenging judgment and decree dated 21.03.2022 passed by the learned Principal Judge, Family Court, Amritsar whereby petition under Sections 11 and 12 of the Hindu Marriage Act, 1955 (for short – ‘the Act’) filed by the appellant – husband has been dismissed.

2. It is stated that marriage between the parties was solemnised on 14.02.2016. Dispute arose between them and they have been living separately since 21.01.2017. It is further stated that no child was born from this wedlock.

3. During pendency of this appeal, matter has been amicably resolved before the Mediation and Conciliation Centre of this Court. Terms

and conditions of settlement/agreement were reduced in writing on 09.01.2023. It was agreed between the parties that a sum of ₹7,50,000/- shall be paid by the appellant to respondent – wife towards full and final settlement of all her claims, past, present and future including permanent alimony, maintenance etc. It is stated that respondent – wife has received sum of ₹3,75,000/- on 21.03.2023. Respondent submits that she has also received balance amount of ₹3,75,000/- by way of Demand Draft dated 23.01.2023 out of the entire agreed amount of ₹7,50,000/- and she has no further claim qua the appellant – husband. It is stated that all civil and criminal proceedings initiated by them stand withdrawn and in case any such proceeding is still pending, necessary steps for withdrawal of the same will be taken. It is further stated that appellant has filed his affidavit in CRM-7316-2023 in CRM-M-5789-2023 that he has no objection to quash FIR No. 37/2018

4. Petition under Section 13B of the Act was taken on record vide separate order in CM-2880-CII-2023.

5. Statements of the parties at first motion in respect to the agreement were recorded on 21.03.2023.

6. Parties present in Court, duly identified by their counsel, while reiterating their statements at first motion recorded on 21.03.2023, submit that as they have been living apart since 2017 with resumption of matrimonial ties not possible between them and the matter genuinely resolved, statutory period of six months for recording their statement at second motion be waived off. They rely upon the judgment of the Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur, 2017(8) SCC 746.**

7. Keeping in view the given facts and circumstances where parties have not been able to live together since 2017 and there is complete disruption of marital relations, with no possibility of reconciliation between them despite earnest efforts for reconciliation, the marriage has broken irretrievably. Parties have genuinely settled their differences and the waiting period will only prolong their agony. The parties have, thus, made out a case for waiver of statutory period of six months. Period of six months in the given facts and circumstances is waived off.

8. Statements of the parties at second motion have been recorded separately. Parties present in Court, reiterate their statement recorded on 21.03.2023 as well as their resolve to part ways. Appellant as well as respondent affirm and verify the averments in petition under Section 13B of the Act. It is stated that settlement has been arrived at out of their own free will and volition, without any pressure, coercion or undue influence from any quarter. It is prayed that their marriage solemnised on 14.02.2016 be dissolved.

9. It is apparent that despite best efforts, resumption of matrimonial ties between the parties, who have admittedly been living separately since 2017, is not possible. Settlement between the parties wherein they have resolved all their differences appears to be genuine. No impediment in allowing the petition under Section 13B of the Act, is pointed out on record.

10. Keeping in view the facts and circumstances as above, judgment and decree dated 23.03.2022 passed by the learned Principal Judge, Family Court, Amritsar, 21.03.2022, is set aside. Petition under

Section 13B of the Act is allowed. Marriage solemnized between the parties on 14.02.2016 is hereby dissolved.

- 11. Appeal is, accordingly, disposed of.
- 12. Decree sheet be prepared, accordingly.
- 13. Pending application(s), if any, stand disposed of, accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

May 03, 2023
rts

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