

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

FAO-M-106-2019 (O&M)

Date of Decision: January 16, 2023

SANDEEP KUMAR

..... Appellant

Versus

DEEPIKA

..... Respondent

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

Present: Mr. Surinder Sharma, Advocate for the appellant.

Mr. Varun Veer Chauhan, Advocate for the respondent.

LISA GILL, J.

This appeal has been filed by the appellant – husband challenging judgment and decree dated 20.10.2018 passed by the learned Additional District Judge, Jalandhar.

Brief facts of the case are that petition under Section 13B of the Hindu Marriage Act, 1955 (for short – ‘the Act’) seeking dissolution of marriage by a decree of divorce with mutual consent was filed by the parties before the learned Family Court, Jalandhar. Marriage between the parties was solemnized on 24.09.2012. No child was born out of this wedlock. Relation between the parties became strained and despite earnest efforts by relatives and friends as well, they could not re-concile their difference. Parties, it is stated, were residing separately from each other since 27.12.2013. Petition under Section 13B of the Act was filed on 08.01.2018.

Respondent – wife agreed to accept a sum of Rs.3,25,000/- towards all her

claims – past, present, future and permanent alimony qua the husband. A sum of Rs.1,50,000/-was received by the wife on 09.01.2018. Her statement at first motion was recorded on 09.01.2018 (Annexure A1). Statement of the husband was also recorded on 09.01.2018 regarding the settlement. However, statement of the parties at second motion were not recorded. It is noted on 16.08.2018 by the learned Family Court that father of the respondent – wife was creating a fuss as he was not ready for statement of the respondent - wife to be recorded. It is further recorded that balance amount had been brought by the husband in Court. Matter was adjourned for few occasions but the wife did not appear and petition under Section 13B of the Act was dismissed on 20.10.2018. Accordingly, present appeal was filed by the husband.

During pendency of this appeal, statedly all differences between the parties have been resolved and the matter is settled before the Mediation and Conciliation Centre of this Court. Terms and conditions were reduced into writing. Settlement/agreement dated 17.10.2022, which is attached with this file is taken on record as Mark A. Thereafter, a sum of Rs.1,25,000/- by way of demand draft was received by the respondent – wife on 20.12.2022 before this Court.

Learned counsel for the parties submit that in the given facts and circumstances, statements of the parties recorded on 09.01.2018 at first motion be kept intact and statements of the parties at second motion be recorded before this Court as the remaining sum of Rs.1,25,000/- though agreed to be paid in February, 2023, has been paid in Court by the appellant – husband by way of demand draft No. 941065310 dated

04.01.2023. Said demand draft has been handed over the respondent, who is present in Court.

Keeping in view the facts and circumstances, we do not find any justification in now relegating the parties before the learned Family Court for recording of their statements yet again. Statements of the parties at second motion have, accordingly, been recorded separately today and are attached with this file. Both the parties reiterate that the matter has been amicably resolved and they have decided to part ways. They submit that the settlement has been arrived at out of their own free will and volition, without any kind of pressure, coercion or undue influence of any kind. A sum of Rs.4,00,000/- has been received by the respondent – wife, who states that the same is the full and final settlement of all her claims – past, present and future qua the husband. Parties have been living separately since 27.12.2013. It is apparent that there is no chance of any reconciliation between the parties.

Keeping in view the facts and circumstances, this appeal is allowed. Consequently, petition under Section 13B of the Act is allowed. Marriage solemnized between the parties on 24.09.2012, stands dissolved by mutual consent under Section 13B of the Act.

Decree sheet be prepared, accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

January 16, 2023

rts

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