

FAO-M-15-2021 :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

FAO-M-15-2021 (O&M)
Date of Decision: 01.02.2023

ANAMIKA ANAND

... Appellant

VERSUS

ROHIT KAPOOR

....Respondent

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

Present: Appellant in person with
Mr. Ankit Chowdhri, Advocate.

Respondent in person with
Ms. Gurnam Kaur Turka, Advocate.

LISA GILL, J.(Oral)

This appeal has been filed by the appellant-wife challenging judgment dated 07.05.2021 passed by the learned Additional District Judge, Chandigarh whereby petition under Section 12 of Hindu Marriage Act, 1955 filed by the appellant-wife was rejected wherein respondent-husband was proceeded *ex parte*.

During pendency of this appeal, the matter has been amicably resolved between the parties and they have decided to part ways. Terms and conditions of the settlement were set in writing on 13.01.2023. As per the settlement agreement, the appellant wife does not claim any maintenance, permanent alimony or any other financial benefit from the respondent-husband and that parties would be bound to withdraw any proceedings initiated by them against each other. It is agreed that no claim of any nature shall be raised by any of the parties qua each other. Copy of the settlement-agreement is taken on record

as Annexure A-1.

Application seeking conversion to a petition under Section 13-B of the Hindu Marriage Act, 1955 was allowed on 13.01.2023. Statements of both the appellant and respondent at first motion had been recorded on 13.01.2023.

Learned counsel for the parties submitted that statutory period of six months be waived off in this case as both the parties are residing separately since July, 2016 and that earnest efforts for bringing about resumption of matrimonial ties between the parties had failed. With the matter being genuinely settled amongst them, the waiting period would only prolong their agony thus, the statutory period of six months was sought to be waived.

Keeping in view the facts and circumstances of the case and the guidelines as laid down by the Hon'ble Supreme Court in *Amardeep Singh Vs. Harveen Kaur, 2017(8) SCC 746*, the statutory period of six months is waived off as it is clear that there is no possibility of resumption of matrimonial ties between the parties, who have admittedly been residing separately since July, 2016. We feel that the settlement arrived at between the parties is genuine and in these circumstances, the waiting period would only prolong their agony.

Accordingly, statements of the parties at second motion have been recorded separately. Both of them have reiterated their statements recorded on 13.01.2023. It is stated that the marriage was not consummated and parties have decided to part ways amicably and that settlement has been arrived at out of their own free will and volition without any pressure, coercion or undue influence from any

quarter. Appellant reiterated that she does not raise any claim qua respondent-husband, including that of maintenance and permanent alimony and that she has no claim whatsoever qua him or his property. It is further agreed between the parties that no civil or criminal proceedings shall be initiated by either of them against each other and pending proceedings, if any, shall be withdrawn. Parties undertake to remain bound by their statements as recorded before this Court on 13.01.2023 and today.

It is a matter of record that the parties are living separately since July, 2016 and that 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.

Keeping in view the facts and circumstances, petition under Section 13-B of the Hindu Marriage Act, 1955 is allowed. Marriage solemnized between the parties on 23.04.2016 is dissolved by way of mutual consent under Section 13-B of the Act. The parties shall remain bound by the terms and conditions of the Compromise dated 13.01.2023. Decree sheet be prepared accordingly.

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

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

01.02.2023
Rimpal

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