

FAO-2387-2022

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2023:PHHC:148704-DB

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2387-2022 (O&M)
Date of decision: 22.11.2023

Priyanka

... Appellant

Vs.

Jaipal @ Montu

... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Poonia, Advocate
for the appellant.

Mr. K.P. Singh, Advocate and
Mr. Kapil Kumar, Advocate
for the respondent.

SUDHIR SINGH, J. (ORAL)

CM-11389-CII-2023

Prayer in this application is for treating the main case as a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act').

Learned counsel for the applicant-appellant submits that a settlement/compromise dated 13.04.2023 has been arrived at between the parties and they have decided to part ways on the terms and conditions contained in the said settlement/compromise.

For the reasons stated in the application, same is allowed and

main appeal is ordered to be treated as petition under Section 13-B of the Act.

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Vide judgment and decree dated 27.04.2022 passed by the learned Principal Judge, Family Court, Narnaul, the petition filed by the petitioner-wife seeking divorce under Section 13 of the Act, was dismissed.

Learned counsel for the petitioner submits that marriage between the parties was solemnized on 08.07.2007 according to Hindu rites and ceremonies and out of the said wedlock, no child was born.

It is worth noticing that during pendency of the present petition, vide order dated 14.03.2023, on the joint request made by learned counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court for an amicable settlement between the parties. The Mediator has submitted a report dated 13.04.2023 that the matter stands settled between the parties.

Today, in view of Clause 8(a) of the settlement/compromise dated 13.04.2023, both the learned counsel have filed the affidavits of the parties in the Court. The same are taken on record.

From bare perusal of the record, it appears that the parties have been living separately since August, 2010. Learned counsel for the parties pray for waiving off the cooling period.

Considering the factum of compromise between the parties, the cooling period is hereby waived off.

The terms and conditions as contained in para No.8 of the

settlement/compromise dated 13.04.2023 arrived at between the parties, would read as under: -

- “a) That both the parties have decided to get their marriage dissolved by mutual consent. Appellant (wife)/first party shall file an application before the Hon’ble High Court for converting the present FAO No.2387 of 2022 into petition under Section 13-B of Hindu Marriage Act on or before 16.05.2023. Both the parties bound themselves to make statement(s) in the petition under Section 13-B of the Act with regard to the divorce by way of mutual consent before the Hon’ble High Court.*
- b) It is agreed between the parties that the first party/wife shall not claim any permanent alimony and maintenance (past, present and future) from the second party/husband.*
- c) It is agreed between the parties that the first party (wife) shall not claim anything from the property (movable and immovable) from her husband/second party and his family members.*
- d) It is further agreed between the parties that in view of above settlement/agreement, the second party/husband shall withdraw the petition under Section 9 of Hindu Marriage Act, which is pending in the Court at Charkhi Dadri, pending for 18.04.2023.*
- e) It is agreed between the parties that they will withdraw all the complaints and any other civil and criminal cases pending between them, if any.”*

In view of the settlement/compromise effected between the parties, present petition is allowed and judgment and decree dated 27.04.2022 passed by learned Principal Judge, Family Court, Narnaul, is set aside. The marriage between the parties is dissolved by a decree of divorce by way of

mutual consent.

However, it is clarified that the parties shall remain bound by the terms and conditions of the aforesaid settlement/compromise, which shall form part of the decree.

Decree sheet be drawn accordingly.

Pending application(s), if any, shall stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUMEET GOEL]
JUDGE

22.11.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No