

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

**FAO No. 3064 of 2022 (O&M)
DATE OF DECISION :- 11.12.2023**

Mamta

...Appellant

Versus

Raj Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH

HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikram Singh, Advocates for the appellant.

Mr. Durgesh Chaudhary Barana, Advocate for the respondent.

SUDHIR SINGH, J. (Oral)

CM-22677-CII-2023

Application herein is for converting the main appeal for dissolution of marriage under a petition under Section 13-B of the Hindu Marriage Act. 1995 (for short 'the Act').

It has been contended that the matter has already been resolved and settled between the parties, hence learned counsel for the respondent has no objection to it.

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

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

CM-22680-CII-2023 in/and
FAO No. 3064 of 2022

1. Vide judgment and decree dated 21.05.2022 passed by Principal Judge, Family Court, Karnal, the petition filed by the petitioner-wife seeking divorce under Section 13 of the Act, was dismissed.

2. Learned counsel for the petitioner submits that marriage between the parties was solemnized on 14.2.2015 according to Hindu rites and ceremonies. They cohabited with each other, but no child was born from this wedlock. However, after sometime the relations between the parties had become strained due to irreconcilable differences and misunderstanding. The parties have been living separately since 30.03.2015. There is no chance of any reconciliation between the parties.

3. It is worth noticing that during pendency of the appeal, vide order dated 14.9.2022, 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 28.8.2023 that compromise could not be effected between the parties despite best efforts made by the Mediator.

4. After some time, the parties settled their dispute and a written compromise dated 6.12.2023 (Annexure A-1) has been filed by the parties.

5. An application/petition bearing CM-22680-CII-2023 has been filed for dissolution of marriage by mutual consent under Section 13-B of the Hindu Marriage Act. It has further been prayed in para no. 9 of the

aforesaid application/petition that cooling/statutory period of 6 months be waived off. In view of the compromise/settlement dated 06.12.2023, cooling/statutory period of 06 months is hereby waived off.

6. Today, a joint statement by way of affidavits dated 06.12.2023 is submitted by the parties in the Court, wherein they reiterated that the statement made by them on affidavits be read as their statements on the first and second motion for all intents and purposes.

7. In terms of the compromise/settlement (Annexure A1) following terms and conditions have been arrived between the parties :-

(a) The parties have decided to part ways by getting divorce from each other on the basis of mutual consent. It has been further agreed that the application shall be moved in the present FAO for conversion of the same from Section 13 to Section 13-B of the Hindu Marriage Act.

That the parties have agreed that all the case pending if any between the parties would be withdrawn as the matter stands settled and further except criminal litigation being pursued by Mamta against Raj Kumar and Mamta shall be at liberty to pursue the same. Further, there would be no other claims arising inter-se between the parties as well as their family members.

By signing this agreement, the parties hereto state that they have no further claims or demands against each other with respect to maintenance, dowry articles etc. and all the disputes and differences in this regard have been amicably settled by the parties hereto through the present compromise and the parties undertake through this compromise to abide by the terms and conditions set out in the settlement and not to dispute the matter hereafter in future and appropriate action can be taken in accordance with law against the party who violates the terms and conditions of the settlement. Both the parties are satisfied

with the terms and conditions of the above mentioned settlement. The matter has been resolved amicably and voluntarily.”

8. In view of the settlement/compromise effected between the parties, the present petition under Section 13-B of the Act is allowed and judgment and decree dated 21.5.2022 passed by Principal Judge, Family Court, Karnal is set aside. The marriage between the parties is dissolved by a decree of divorce by way of mutual consent.
9. 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.
10. Decree sheet be drawn accordingly.
11. Pending application(s), if any, shall stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUMEET GOEL)
JUDGE

11.12.2023
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No