

FAO-M No.225-M of 2006(O&M) **2023:PHHC:112642-DB -1-**
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-M No.225-M of 2006(O&M)
Date of Decision: 28.08.2023**

Gurjai Pal Singh

.....Petitioner

Vs

Vinika

.....Respondent

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*
*HON'BLE MR. JUSTICE HARPREET SINGH BRAR***

Present: Mr. Bhavnik Mehta, Advocate
for the appellant.

Respondent-in-person.

RAJ MOHAN SINGH, J.(Oral)

[1]. The present appeal has been preferred by the appellant-husband against the judgment and decree dated 13.05.2006 passed by the District Judge, Patiala, dismissing the petition under Section 13 of the Hindu Marriage Act for dissolution of marriage on the ground of cruelty.

[2]. During the pendency of the present appeal, both the

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parties have amicably resolved their differences. A compromise has been effected between them vide compromise deed dated 08.12.2023. As per compromise, the son namely Yatin who is about 21 years of age shall continue to live with the respondent-Vinika. It has been agreed that the son shall meet the appellant and his family members. The appellant shall pay an amount of Rs.10,000/- per month regularly with 10% increase every year in the saving account No.30095500168 maintained by the respondent-wife in State Bank of India, PAU Branch, Ludhiana. The aforesaid amount shall be towards full and final settlement of all claims i.e. past, present and future including permanent alimony and maintenance etc. With these conditions, the parties have decided to amicably part ways. The compromise has been entered into between the parties out of their free will and volition, without any pressure, coercion or undue influence from any quarter. Both the parties have also undertaken that they will not file any case, civil or criminal out of matrimonial ties against each other. They have also undertaken that proceeding, if any, pending between them, shall be withdrawn forthwith. The statements of the parties have been recorded at the first motion stage on 21.02.2023. After expiry of cooling period of six months, joint statement of the parties has already been recorded today, in which, both the parties have endorsed the factum of compromise by admitting the terms and conditions

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executed between them.

[3]. The parties are living separately since 2002, therefore, the parties have satisfied the requirement of Section 13-B(1) of the Hindu Marriage Act.

[4]. According to the facts and circumstances of the case, we find that the compromise arrived at between the parties is genuine in nature and the same takes care maintenance and custody of the child, who is about 21 years of age. The compromise has satisfied all the ingredients, wherein the issue of maintenance/alimony has been suitably answered in favour of the wife i.e. Rs.10,000/- per month with increase of 10% every year through out the life. The son shall also pay visit to the father and his family members. Since both the parties are living separately for more than the statutory period and all efforts at different levels have been tried and failed, therefore, we are of the considered opinion that the petition on conversion under Section 13-B of the Hindu Marriage needs to be allowed. This appeal is accordingly allowed. The marriage between the parties is dissolved by way of decree of divorce by mutual consent. Consequently, the decree of dissolution of marriage by mutual consent be drawn. Earlier decree stands substituted with the consequent decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. In case the terms and conditions of the compromise are not complied with by the

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appellant, the respondent-wife would be at liberty to seek
restoration of the appeal in question.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

28.08.2023

Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No