

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

FAO-M-56-2008 (O&M)

Date of Decision: May 03, 2023

Gurmeet Kaur

..... Appellant

Versus

Jasbir Singh

..... Respondent

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

Present: Mr. Jaswinder Singh, Advocate for
 Mr. H.S. Randhawa, Advocate for the appellant

 Mr. Vijay Lath, Advocate for the respondent.

LISA GILL, J.

1. This appeal has been filed by the appellant – wife challenging judgment and decree dated 01.02.2008 passed by the learned Additional District Judge (Adhoc), Fast Track Court, Ropar whereby appellant's petition under Section 13 of the Hindu Marriage Act, 1955 (for short – 'the Act') has been dismissed.

2. It is stated that marriage between the parties was solemnised on 29.10.2000. Dispute arose between them and they have been living

separately since 06.01.2005. It is further stated that no child was born from this wedlock.

3. During pendency of this appeal, matter has been amicably resolved between the parties. It is submitted that both appellant and respondent have decided to part ways as despite best efforts, resumption of matrimonial ties between them is not possible. It was agreed between the parties that appellant will not raise any claim qua respondent – Jasbir Singh including permanent alimony, maintenance etc. – past, present and future. It is stated that all civil and criminal proceedings initiated by them stand withdrawn and in case any such proceeding is still pending, necessary steps for withdrawal of the same will be taken.

4. Prayer for conversion to petition under Section 13B of the Act was allowed and petition under Section 13B of the Act had been taken on record vide order dated 18.04.2023.

5. Statements of the parties at first motion in respect to the agreement were recorded on 18.04.2023.

6. Parties present in Court, duly identified by their counsel, while reiterating their statements at first motion recorded on 18.04.2023, submit that as they have been living apart since 2005 with resumption of matrimonial ties not possible between them and the matter genuinely resolved, statutory period of six months for recording their statement at second motion be waived off. They rely upon the judgment of the Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur, 2017(8) SCC 746**.

7. Keeping in view the given facts and circumstances where parties have not been able to live together since 2005 and there is complete

disruption of marital relations, with no possibility of reconciliation between them despite earnest efforts for reconciliation, the marriage has broken irretrievably. Parties have genuinely settled their differences and the waiting period will only prolong their agony. The parties have, thus, made out a case for waiver of statutory period of six months. Period of six months in the given facts and circumstances is waived off.

8. Statements of the parties at second motion have been recorded separately. Parties present in Court, reiterate their statement recorded on 18.04.2023 as well as their resolve to part ways. Appellant as well as respondent affirm and verify the averments in petition under Section 13B of the Act. It is stated that settlement has been arrived at out of their own free will and volition, without any pressure, coercion or undue influence from any quarter. It is prayed that their marriage solemnized on 29.10.2000 be dissolved.

9. It is apparent that despite best efforts, resumption of matrimonial ties between the parties, who have admittedly been living separately since 2005, is not possible. Settlement between the parties wherein they have resolved all their differences appears to be genuine. No impediment in allowing the petition under Section 13B of the Act, is pointed out on record.

10. Keeping in view the facts and circumstances as above, judgment and decree dated 01.02.2008 passed by the learned Additional District Judge (Adhoc), Fast Track Court, Ropar, is set aside. Petition under Section 13B of the Act is allowed. Marriage solemnized between the parties on 29.10.2000 is hereby dissolved.

- 11. Appeal is, accordingly, disposed of.
- 12. Decree sheet be prepared, accordingly.
- 13. Pending application(s), if any, stand disposed of, accordingly.

(LISA GILL)
JUDGE

May 03, 2023
rts

(RITU TAGORE)
JUDGE

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