

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4593-CII-2023 and
CM-4597-CII-2023 and
CMM-210-2019 in/and
FAO-M-161-2019 (O&M)
Date of Decision: March 14, 2023

Harendra Dogra

..... Appellant

Versus

Sona

..... Respondent

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

Present: Mr.R.N. Lohan, Advocate for the appellant

Mr. Rohit, Advocate and
Mr. Ashok Bhardwaj, Advocate for the respondent.

LISA GILL, J.

This appeal has been filed by the appellant – husband challenging judgment and decree dated 05.07.2019 passed by the learned Additional District Judge, Sangrur whereby appellant's petition under Section 13 of the Hindu Marriage Act, 1955 (for short – 'the Act') has been dismissed.

During pendency of this appeal, matter has been amicably resolved between the parties. Statements of the parties in respect to the agreement were recorded before co-ordinate Bench on 30.11.2022. Parties,

duly identified by their counsel, are present in Court. Both of them reiterate their statement recorded on 30.11.2022 as well as their resolve to part ways.

Prayer for conversion to petition under Section 13B of the Act has been allowed and petition under Section 13B of the Act has been taken on record vide separate order in CM-4586-CII-2023.

It is submitted that both appellant and respondent have decided to part ways as despite best efforts, resumption of matrimonial ties between them was not possible. They, thus, seek dissolution of their marriage solemnised on 12.02.2012. No child was born out of this wedlock. It was agreed between the parties that a sum of ₹10 lakhs shall be paid by the appellant to the respondent – wife towards full and final settlement of all her claims, past, present and future including permanent alimony, maintenance etc. It is stated that respondent – wife has received a sum of ₹3,20,000/- on 21.12.2022, ₹1,60,000/- on 05.01.2023, ₹20,000/- on 06.01.2023 and ₹5,00,000/- on 03.03.2023. Appellant as well as respondent affirm and verify the averments in petition under Section 13B of the Act. Respondent submits that she has received the entire agreed amount of ₹10 lakhs by way of RTGS and she has no further claim qua the appellant – husband. It is stated that all civil and criminal proceedings initiated by them stand withdrawn and in case any such proceeding is still pending, necessary steps for withdrawal of the same will be taken.

Parties present in Court submit that their statements recorded on 30.11.2022 be treated to be their statements at first motion. Parties submit that as they have been living apart since 2012 with resumption of matrimonial ties not possible between them and the matter is genuinely

resolved, statutory period of six months for recording of their statement at second motion be waived off.

In the light of the above and keeping in view the judgment passed by the Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur, 2017(8) SCC 746**, this Court is satisfied in the light of the facts and circumstances of the present case that the parties have not been able to live together since 2012 and there has been complete disruption of marital relations. With no possibility of reconciliation between them despite earnest efforts for reconciliation, the marriage has broken irretrievably. The 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 the statutory period of six months. Period of six months in the given facts and circumstances is waived off.

Statement of the parties at second motion have, accordingly, been recorded separately. 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 and the statements have been recorded accordingly. It is prayed that their marriage solemnised on 12.02.2012 be dissolved. It is apparent that despite best efforts, resumption of matrimonial ties between the parties, who have admittedly been living separately since 2012, 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.

Keeping in view the facts and circumstances as above, judgment and decree dated 05.07.2019 passed by the learned Additional

District Judge, Sangrur, is set aside. Petition under Section 13B of the Act is

allowed. Marriage solemnized between the parties on 12.02.2012 is hereby dissolved.

Decree sheet be prepared, accordingly.

Appeal is, accordingly, disposed of.

**(LISA GILL)
JUDGE**

**(RITU TAGORE)
JUDGE**

March 14, 2023
rts

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