

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

**FAO-1016-2016 (O&M)**  
**Date of Decision: 16.01.2023**

**Gaurav Kumar Bhatia**

..... Appellant(s)/Petitioner(s)

**&**

**Gunjan Bhatia**

..... Respondent(s)

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

Present: Mr. Saurabh Dalal, Advocate and  
Mr. Sunny Namdev, Advocate  
for the applicant/appellant/petitioner.

Mr. Tanmoy Gupta, Advocate  
for the non-applicant/respondent.

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**LISA GILL, J.**

**CM-8550-CII-2022**

Prayer in this application is for making necessary correction in the Settlement Agreement dated 31.05.2022 (Annexure A-1/3). It is submitted that name of the minor child is incorrectly mentioned as Krish Bhatia @ Thavan whereas the name is Krish Bhatia only.

Notice of the application.

Mr. Tanmoy Gupta, Advocate, accepts notice on behalf of the non-applicant/respondent and does not raise objection if the application is allowed.

For the reasons mentioned in the application, duly supported by an affidavit of the applicant, same is allowed. Registry is directed to make

necessary correction in the Settlement Agreement dated 31.05.2022.

Application is disposed of accordingly.

**FAO No. 1016 of 2016**

This appeal had been filed by the appellant being aggrieved of judgment dated 05.01.2016, passed by learned District Judge, Family Court, Gurugram, whereby petition under Section 13(1) (ia) of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), filed by the appellant-husband had been dismissed.

During pendency of this appeal, the matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court. Settlement/Agreement dated 31.05.2022 is attached with the file. Same is taken on record as Mark A. The terms and conditions are duly mentioned in para 5(a) to (g) of the Agreement. Application dated 05.08.2022 was filed for conversion of the appeal to a petition under Section 13-B of the Act. Same is allowed subject to just exceptions.

Statements of the parties who seek divorce by mutual consent, were recorded at first motion on 31.05.2022/31.08.2022. The terms and conditions reduced into writing on 31.05.2022, read as under:-

- “a) The parties have mutually agreed to put an end to litigation present and future. It is mutually agreed between the parties that they will seek decree of divorce by way of mutual consent by getting the present FAO converted into petition under Section 13-B of Hindu Marriage Act. The parties will get their first motion statement recorded today before this Hon'ble Court.
- b) The second party has agreed that he will pay a sum of Rs.15,00,000/- (Fifteen Lacs Only) in the name of his minor son namely, Krish Bhatia in the shape of FDR or in post office wherever the rate of interest is more. It is agreed that it will be under the guardianship of first party - mother in whose care and

custody the minor child is since his birth. The said FDR or post office investment shall be till minor son turns major in after attaining majority he can withdraw the amount so accrued at that time. It is further agreed between the parties that mother - Gunjan will not break the FDR or post office deposit before her son attains majority, however, she is entitled to annual interest accrued on the principle amount which can be used for education purposes or other needs of minor son Krish Bhatia. After the said payment nothing is due to be paid to the first party or her son in future as by the said payment all her and her son's claim are settled (past, present and future). The first party and her son shall not claim any right or interest in the movable or immovable property of the second party - husband - Gaurav.

c) That the said FDR or post office deposit shall be handed over to Gunjan first party on the second motion statement to be recorded before this Hon'ble Court preferably in the month of July. 2022.

d) The parties are free to move on with their lives independently and have further agreed not to interfere in the lives of each other.

e) As per the information given by the parties there is no pending litigation between the parties, however, to avoid any issue in future, it is agree that if by chance there is any pending litigation between the parties filed by either of them, the same shall be withdrawn on or before 31<sup>st</sup> July, 2022. It is further agreed that both the parties along with their family members will not file any fresh litigation arising of the present matrimonial discord. Both the parties have shed their grudges against each other side.

f) Both the parties have agreed that they will not defame or malinge the image of each other in the society and will live peacefully.

g) it is further agreed between the parties that the custody of minor child will remain with the mother for all times. and the

father has gracefully stated he will not claim visitation rights as the minor son is staying with the mother since birth and father has not meet him even once.”

Today both the parties i.e. Gaurav Kumar Bhatia and Gunjan Bhatia, duly identified by their counsel are present in Court. Both of them reiterate that they had agreed to part ways amicably as per terms and conditions as above. It is further stated that sum of Rs.15,00,000/- by way of an FDR No.7347723050 dated 11.11.2022 has been handed over to the wife Smt. Gunjan. It is further stated that said FDR is only for a period of 98 months as of now and it shall be renewed regularly till the minor child namely Krish Bhatia attains majority. Custody of the minor child shall remain with the mother and the father has agreed not to claim visitation rights also.

Statements of the parties at Second Motion have been recorded separately today. Parties are living separately since 23.04.2012. There is no possibility of resumption of their cohabitation in any manner. Both the parties while reiterating their statements at First Motion have submitted that they have agreed to part ways on the terms and conditions as detailed in agreement dated 31.05.2022 out of their own free will and volition without any kind of pressure, coercion or undue influence of any kind.

Keeping in view the facts and circumstances, judgment and decree dated 05.01.2016, passed by learned District Judge, Family Court, Gurugram, is set aside. Petition under Section 13-B of the Hindu Marriage Act, 1955 is allowed. Marriage solemnized between the parties is dissolved by way of mutual consent under Section 13-B of the Act. The parties shall remain bound by the terms and conditions of the compromise dated

31.05.2022. Decree sheet be prepared accordingly.

Pending miscellaneous applications, if any, shall stand disposed of accordingly.

(LISA GILL)  
JUDGE

16.01.2023  
Sunil

(RITU TAGORE)  
JUDGE

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