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

FAO No. 1991 of 2017

Date of Decision: 22.09.2023

Manju Devi

-Appellant

Versus

Naresh Kumar

-Respondent

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

Present: Appellant in person with
Mr. Mohit Kakkar, Advocate, for
Mr. Bhupinder Ghai, Advocate.

Respondent in person with
Mr. Ram Kumar Saini, Advocate, and
Mr. Ankit Saini, Advocate.

RAJ MOHAN SINGH, J. (Oral)

This appeal has been preferred against the judgment and decree dated 20.01.2017 passed by the District Judge, Family Court, Hisar vide which petition under Section 13 of the Hindu Marriage Act filed by the respondent-husband was allowed and the marriage between the parties was dissolved under Section 13 (1) (ia) (ib) of the Hindu Marriage Act.

Notice of motion was issued on 27.03.2017. The case was ultimately taken up on 26.07.2023 and the following order was passed:-

“Learned counsel for the parties are ad

idem that during pendency of the present appeal, there is an amicable resolution of dispute between the parties, but the parties are at variance on some petty issue with regard to the amount of permanent alimony and the likely expenses for the marriage of their son.

Let both the parties be present in the Court on 04.08.2023 and appear before the Counsellor of this Court. The Counsellor shall make every endeavour to persuade the parties to arrive at just compromise in the present case.

Adjourned to 22.09.2023.”

In pursuance of the aforesaid order, both the parties have appeared before the Counsellor on 22.08.2023 and made their statements to the effect that now they have decided to live together. The appellant has made a statement to the effect that her appeal i.e. FAO No.1991 of 2017 is pending and now she wants to go to the matrimonial house with her husband and wants to live with the family by withdrawing her case. Similarly, respondent-husband also made a statement before the Mediator that he wants to keep his wife with him and now they have decided to finish the litigation. After recording their statements in vernacular, the Counsellor has made her report dated 22.08.2023 to the following effect:-

“Manju devi (49) and Naresh Kumar (55)

married in the year 1991 and separated since 2010. Hisar district court granted decree of divorce in 2017. Manju devi challenged the orders in Hon'ble high court in 2017. They have 2 children namely Nitin and Rina out of this wedlock. Nitin is residing with father and Rina is residing with mother. The couple is at psychosocial development stage of Generativity versus Stagnation. The counselling session emphasizes to make them realize that couple is in middle adulthood and emphasizes on need of family in old age. The impact of their marital discord on children. For emotional catharsis they were asked to address their issues. In conclusion of counselling session couple wants to reconcile and wants to live together as a family. The written statement of Manju Devi and Naresh kumar is attached with Report. They want withdrawal all litigation against each other. In Hon'ble high court they have 2 litigations pending (FAO-1991-2017 & CRR-4473-2017).

OBSERVATIONS

- Parties want to stay together.*
- Written statement of both parties attached with report."*

In view of aforesaid factual position, learned counsel for the appellant submits that the present appeal be disposed of in terms of settlement between the parties, however, liberty be granted to the appellant-wife that in case the revival of

matrimonial life if goes into rough weather in future, then the applicant-appellant be held at liberty to move an appropriate application for revival of the present appeal.

Learned counsel for the respondent agrees to the aforesaid proposal and has no objection to the disposal of the present appeal by setting aside the impugned judgment and decree dated 20.01.2017.

In view of aforesaid understanding between the parties, the impugned judgment and decree dated 20.01.2017 passed by the District Judge, Family Court, Hisar is set aside. The appeal is disposed of in terms of compromise, however with the liberty aforesaid.

Counsellor has submitted her report and the same is taken on record as Annexure R-1.

For submitting her report, an amount of Rs.5000/- be paid to the Counsellor (Dr. Garima Sharma) by the High Court Legal Services Authority forthwith.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

22.09.2023
Jyoti Sharma

(HARPREET SINGH BRAR)
JUDGE

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