

**FAO-M-475-2015**

**:1:**

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

**209**

**FAO-M-475-2015 (O&M)  
Date of Decision: 01.03.2023**

**BEER KARAN SHARMA**

**... Appellant**

**VERSUS**

**NEETU DEVGON**

**....Respondent**

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

**Present:** Appellant in person with  
Mr. Saurabh Bhardwaj, Advocate.

Respondent in person with  
Mr. Aakash Singla, Advocate and  
Mr. Ankush Singla, Advocate.

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**LISA GILL, J.(Oral)**

This appeal had been filed by the appellant-husband challenging judgement dated 28.09.2015 passed by learned Additional District Judge, Patiala whereby petition under Section 13 of Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant had been dismissed.

During pendency of this appeal, it is stated that the matter has been amicably resolved between the parties. Parties agreed to part ways amicably. It was agreed that the parties who were married on 18.11.2004 as per Hindu rites would seek dissolution of their marriage by mutual consent under Section 13-B of the Act. Parties have been living separately since December 2011. Accordingly, application for conversion of the petition under Section

13-B of the Act was filed and duly accepted by the co-ordinate Bench of this Court on 01.12.2022. It was agreed between the parties that a sum of Rs. 25 lakhs would be paid to the respondent-wife as full and final settlement of all her claims including permanent alimony/maintenance etc. Sum of Rs.10 lakhs was transferred in favour of respondent-wife on 01.12.2022. Statement of the parties at first motion was recorded on 01.12.2022. It was agreed that rest of the agreed amount i.e. Rs.15 lakhs would be transferred to the respondent on or before the next date of hearing i.e.01.03.2023.

Learned counsel for the appellant informs that the said amount of Rs.15 lakhs has been transferred in favour of the respondent-wife through RTGS No.000132864473. This fact is accepted by the respondent who is present in Court.

Parties present in Court today, reiterate their statements recorded at first motion and state that they seek dissolution of their marriage which was solemnized on 18.11.2004 and that they are living separately since December 2011. Prayer addressed on behalf of the parties is that statutory period of 6 months be waived off as it is obvious that the parties who have been living separately since December 2011 will not be able to resume matrimonial ties. Settlement between them appears to be genuine with all their disputes having been settled with no possibility of any reconciliation. There is no reason for prolonging their agony any further. Accordingly, statutory period for recording of statements at 2<sup>nd</sup> motion is waived off.

Statements of the parties at second motion have been

recorded separately. Parties have duly reiterated their statements at first motion as well as their resolve to part ways as all efforts for reconciliation have failed. Both of them state that the settlement has been arrived out of their own free will, volition and without any pressure, coercion or undue influence from any quarter. They further undertake to remain bound by the terms and conditions of the settlement. Settlement between the parties appears to be genuine and no impediment in allowing the petition under Section 13-B of the Act has been pointed out.

Keeping in view the facts and circumstances as above, judgment and decree dated 28.09.2015, passed by learned Additional District Judge, Patiala is set aside. Petition under Section 13-B is allowed. Marriage solemnized between the parties on 18.11.2004 is hereby dissolved under Section 13-B of the Act. Decree be drawn up accordingly.

Appeal is disposed of accordingly.

**(LISA GILL)**  
**JUDGE**

**(RITU TAGORE)**  
**JUDGE**

**01.03.2023**  
Rimpal

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