

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

FAO-M-434-2016 (O&M)

Date of Decision: March 03, 2023

Nirmal Singh

..... Appellant

Versus

Harmanjit Kaur

..... Respondent

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

Present: Mr. N.S. Dhaliwal, Advocate for
Mr.I.S. Dhaliwal, Advocate for the appellant

Mr. J.S. Brar, Advocate for the respondent.

LISA GILL, J.

This appeal has been filed by the appellant – husband challenging judgment and decree dated 03.10.2016 passed by the learned District Judge, Bathinda whereby appellant's petition under Section 13 of the Hindu Marriage Act, 1955 (for short – 'the Act')and suit for permanent injunction had been dismissed.

During pendency of this appeal, matter has been amicably resolved between the parties. Their statements regarding agreement were recorded on 08.12.2022. It was agreed between the parties that a sum of ₹15 lakhs would be handed over to the respondent – wife by the appellant and sum of ₹5 lakhs in the form of FDR would be given to the minor daughter born out of the wedlock of the parties. Appellant further undertook to

RITU SHARMA
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I attest to the accuracy and
integrity of this document purchase 4 kanal 10 marlas of land in favour of minor daughter – Deepinder

Kaur at village Singhwala, District Sri Mukhtsar Sahib. Both the parties undertook to withdraw all the cases filed by them against each other and also undertook not to file any further case against each other. However, dispute again arose between the parties with the terms and conditions of the settlement not being adhered to. Matter was again referred before the Mediation and Conciliation Centre of this Court for reporting as to what is the exact controversy between the parties so that the matter can be finally settled. It is informed that the parties again settled the entire matter for a sum of ₹18 lakhs instead of ₹15 lakhs, to be paid as permanent alimony (past, present and future) for the respondent – wife and ₹5 lakhs for the daughter. Land measuring 4 kanal 10 marals and 2 sarsai situated at village Singhwala, District Sri Mukhtsar Sahib purchased by the appellant was transferred in favour of the minor daughter of the parties. Statements of the parties were then recorded on 17.02.2023 and the matter was adjourned to enable the parties to file appropriate application for conversion to petition under Section 13B of the Act.

Petition under Section 13B of the Act has been taken on record vide separate order in CM-4225-CII-2023.

Learned counsel for the parties submit that as all the terms and conditions of the settlement have been carried out between the parties, statements of the parties recorded on 08.12.2022 be treated to be their statements at first motion and statements recorded on 17.02.2023 be treated to be the statement at second motion. It is stated by the parties that a sum of Rs.5 lakhs transferred in the account of respondent – wife on 09.12.2022 through RTGS has been converted to FDR in favour of the minor daughter –

Deepinder Kaur on 17.02.2023. Total land measuring 4 kanal 10 marlas and 2 sarsai situated at village Singhwala, District Sri Mukhtsar Sahib at two different locations also stand transferred in favour of minor daughter. Entire amount of ₹18 lakhs, as agreed between the parties, is also accepted by the respondent, present in Court, to have been received by her. It is to be noted that co-ordinate Bench on 17.02.2023 has observed that as both parties are present in Court, second statement has been recorded in respect to the settlement. In this view of the matter, statements of the parties recorded on 08.12.2022 are treated to be their statements at first motion and ones recorded on 17.02.2023 to be statements at second motion with statutory period of six months obviously having been waived off by the co-ordinate Bench.

It is apparent that despite best efforts, rehabilitation 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 apparent on record. Parties, present in Court, have reiterated the settlement arrived at between them and confirmed that they seek to part ways amicably. Settlement, it is further stated, has been arrived at out of their own free will and volition, without any pressure, coercion or undue influence from any quarter.

Keeping in view the facts and circumstances as above,

judgment and decree dated 03.10.2016 is set aside. Petition under Section

13B of the Act is allowed. Marriage solemnized between the parties on 18.02.2011 is hereby dissolved.

Decree sheet be prepared, accordingly.

Appeal is, accordingly, disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

March 03, 2023
Rimpal/rts

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