

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

**FAO-M-244-2017 (O&M)**  
**Date of Decision: June 01, 2023**

**Vikramjit Singh** ..... Appellant

**Versus**

**Kanwaljit Kaur** ..... Respondent

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

Present: Mr. Kulwant Singh, Advocate for the appellant

Mr. Ranjit Saini, Advocate for the respondent.

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**LISA GILL, J.**

1. This appeal has been filed by the appellant – husband challenging judgment and decree dated 18.04.2017 passed by the learned District Judge (Family Court), Karnal whereby petition under Section 13 of the Hindu Marriage Act, 1955 (for short – ‘the Act’) filed by the appellant – husband has been dismissed.

2. It is stated that marriage between the parties was solemnised on 07.03.2005. Dispute arose between them and they have been living separately since June 2012. It is further stated that one child was born from this wedlock.

3. During pendency of this appeal, matter has been amicably resolved between the parties. Terms and conditions of settlement/agreement were reduced in writing on 09.02.2023 before the Mediation and

Conciliation Centre of this Court. It was agreed between the parties that total sum of ₹27 lakhs shall be paid by the appellant to respondent – wife towards full and final settlement of all her claims, past, present and future, out of which ₹15 lakhs would be deposited in favour of minor daughter namely Ishmeet Kaur in the shape of FDR under the guardianship of respondent - wife. Respondent submits that she has received a sum of ₹7.5 lakhs on 15.03.2023, ₹7.5 lakhs on 20.04.2023 and balance payment of ₹12 lakhs on 31.05.2023. FDR for a sum of ₹15 lakhs in favour of minor daughter has been made under the guardianship of respondent - wife. Copy of the FDR is taken on record as mark A. It was further agreed that minor daughter would meet appellant on every second Sunday of each month between 1.00 p.m. to 2.00 p.m. at Gurudwara Dukhniwaran Sahib at Patiala and the daughter can further choose to meet appellant as per her own wish. It is stated that all civil and criminal proceedings initiated by them stand withdrawn and in case any such proceeding is still pending, necessary steps for withdrawal of the same will be taken.

4. Prayer for conversion to petition under Section 13B of the Act was allowed and petition under Section 13B of the Act was taken on record vide order dated 15.03.2023.

5. Statements of the parties at first motion in respect to the agreement were recorded on 15.03.2023.

6. Parties present in Court, duly identified by their counsel, while reiterating their statements at first motion recorded on 15.03.2023, submit that as they have been living apart since 2012 with resumption of matrimonial ties not possible between them and the matter genuinely

resolved, statutory period of six months for recording their statement at second motion be waived off. They rely upon the judgment of the Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur, 2017(8) SCC 746**.

7. Keeping in view the given facts and circumstances where parties have not been able to live together since 2012 and there is complete disruption of marital relations, with no possibility of reconciliation between them despite earnest efforts for reconciliation, the marriage has broken irretrievably. 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 statutory period of six months. Period of six months in the given facts and circumstances is waived.

8. Statements of the parties at second motion have been recorded separately. Parties present in Court, reiterate their statement recorded on 15.03.2023 as well as their resolve to part ways. Appellant as well as respondent affirm and verify the averments in petition under Section 13B of the Act. 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. It is prayed that their marriage solemnised on 07.03.2005 be dissolved.

9. 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.

10. Keeping in view the facts and circumstances as above, judgment and decree dated 18.04.2017 passed by the learned District Judge, (Family Court), Karnal, is set aside. Petition under Section 13B of the Act is allowed. Marriage solemnized between the parties on 07.03.2005 is hereby dissolved.

11. Appeal is, accordingly, disposed of.

12. Decree sheet be prepared, accordingly.

13. Pending application(s), if any, stand disposed of, accordingly.

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

**June 01, 2023**  
rts

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

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