

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-34 of 2017(O&M)

Date of Decision:27.02.2023

Jaskaran Singh

.....Appellant

Versus

Manjit Kaur

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Ms. Sushma Singh, Advocate
for the appellant.Mr. Gaurav Sharma, Advocate
for the respondent.

LISA GILL, J(Oral).

This appeal has been filed by the appellant-husband, challenging judgment and decree dated 04.12.2016, passed by the learned Additional District Judge, Sirsa, whereby petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act'), seeking dissolution of marriage by the appellant-husband has been dismissed.

During pendency of this appeal, the matter has been amicably resolved between the parties, who agreed to part ways. Respondent-wife agreed to accept a sum of ₹30,00,000/- as permanent alimony. Terms and conditions of the compromise were reduced in writing on 08.08.2022. Copy of compromise deed dated 08.08.2022 is attached as Annexure A-1 with CM-9898-CII of 2022, seeking permission for conversion into petition under Section 13-B of the Act. Statements of the parties at first motion were recorded before this High Court on 17.08.2022.

It is stated by the parties that they by mutual consent, seek dissolution of their marriage solemnized on 23.03.2002. It is stated that

parties are living separately since September 2012. Respondent-wife agreed to accept a sum of ₹30,00,000/- as full and final settlement of all her claims, past, present and future including permanent alimony, maintenance etc., qua the husband. Demand draft no. 764943 dated 05.08.2022 for a sum of ₹10,00,000/- was received by the respondent-wife on 17.08.2022. The matter was adjourned for today for handing over of the rest of the agreed amount to the respondent-wife.

Parties duly identified by their counsel are present in Court. Both of them reiterate their resolve seeking dissolution of their marriage with mutual consent. Prayer on behalf of the parties for waiver of statutory period of six months is allowed keeping in view the fact that there is no possibility of any resumption of matrimonial ties between the parties and settlement arrived at between the parties appears to be genuine. Any further delay will only add to their agony

Statements of the parties at second motion have accordingly been recorded separately today. The parties have reiterated their statements at first motion. Respondent-wife states that she has received a demand draft no. 764989 dated 16.02.2023 for a sum of ₹20,00,000/-. It is stated that she has received the total agreed amount of ₹30,00,000/- from the appellant-husband. Both the parties stated that the 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 further stated that they would not initiate any proceedings, civil or criminal against each other or their family members in relation to their matrimony and that pending proceedings, if any, shall be withdrawn by them.

Keeping in view the facts and circumstances as above, we find that settlement arrived at between the parties is genuine. They have been

living separately since September 2012. Resumption of matrimonial ties between the parties is not a possibility in the given circumstances. No children were born out of this wedlock. Full and final agreed amount has been received by the respondent towards fulfillment of all her claims, past, present and future including that of permanent alimony, maintenance etc.

Accordingly, judgment and decree dated 04.12.2016, passed by the learned Additional District Judge, Sirsa, is set aside. Marriage between the parties solemnized on 23.03.2002 stands dissolved while accepting their petition under Section 13-B of the Act. Parties shall remain bound by the terms and conditions of the settlement arrived at between them. Decree sheet be prepared accordingly.

Appeal is disposed of accordingly.

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

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

February 27, 2023.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.