

2023:PHHC:053956-DB

CMM-244-2018 in/and FAO-M-55-2018 :1:

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

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**CMM-244-2018 in/and
FAO-M-55-2018
Date of Decision: 17.04.2023**

LOVLEEN RANA

... Appellant

VERSUS

GAGANDEEP

....Respondent

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

Present: Mr. Sukhmeet Singh, Advocate
for the appellant.

Mr. Arvind Galav, Advocate
for the respondent.

LISA GILL, J.(Oral)

This appeal has been filed by the appellant-wife challenging order dated 11.04.2017 whereby petition under Section 9 of Hindu Marriage Act, 1955 filed by the appellant-husband for restitution of conjugal rights filed by the respondent has been allowed by learned Additional Civil Judge (Senior Division), Phillaur.

2. It is informed that during pendency of this appeal, the matter has been amicably resolved between the parties.

3. Petition under Section 13-B of the Hindu Marriage Act was filed and taken on record on 18.07.2022. Statements of the

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parties at first motion were recorded on 18.07.2022.

4. Parties, duly identified by their counsel are present in Court. Both of them submit that they seek dissolution of their marriage solemnized on 26.01.2015. It is submitted that despite best and earnest efforts parties could not resume matrimonial ties and they seek divorce by mutual consent. They have been living separately since March 2015. One child born out of this wed lock is in the custody of the mother and it is agreed that child shall remain in the custody of the mother.

5. Terms and conditions of settlement have been reduced in writing on 10.05.2022. All issues between them, it is stated have been genuinely settled and there is no impediment in dissolution of their marriage. Parties, further state that they shall remain bound by the terms and conditions of the compromise dated 10.05.2022. Their statements at second motion have been recorded separately today. Copy of the settlement-Agreement is taken on record as A-1.

6. It is apparent that there is no possibility of resumption of matrimonial ties between the parties who have been living separately since March 2015 and that all issues between them have been genuinely settled. No impediment to grant of divorce has been pointed out.

7. Keeping in view the facts and circumstances, petition under Section 13-B of the Hindu Marriage Act, 1955 is allowed. Marriage solemnized between the parties on 26.01.2015 is dissolved by way of mutual consent under Section 13-B of the Act. Appeal is

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accordingly disposed of. Decree be prepared accordingly.

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

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

17.04.2023
Rimpal

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