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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2337-2019
Date of decision: 28.08.2024

AJAY CHAWLA

...Appellant

Versus

KAVITA CHAWLA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

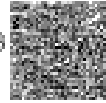
Present: Mr. Sanjeev Manrai, Senior Advocate with
Mr. Rohit Bhardwaj, Advocate for the appellant.

Mr. Pankaj Bali, Advocate for
Mr. Munish Behl, Advocate for the respondent.

SURESHWAR THAKUR, J. (ORAL)

1. The instant appeal is directed against the declining decree, which was passed by the learned Family Court concerned, upon, Hindu Marriage petition bearing HMA No.331 of 2015. The said petition was instituted by the appellant herein, wherein, he claimed the making of a decree, thus segregating his marital ties, with his spouse one Kavita Chawla, thus on the ground of desertion and cruelty.

2. However, during the pendency of the instant appeal before this Court, it appears that an amicable settlement, has occurred amongst the parties at lis. Consequently, they orally pray for the conversion of Hindu Marriage petition cast under Section 13(1) (i-a) and (i-b) of Hindu Marriage Act into a petition cast under Section 13-B of the Hindu Marriage Act and

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that their marital ties, be annulled through a decree of mutual consent becoming passed by this Court. Both the appellant and the respondent have made their respective testifications on oath, and, the same are reproduced hereinafter.

“Statement of Ajay Chawla son of R.C. Chawla, resident of House No.1831/IV, L-1, Sangam Vihar, New Delhi..

On S.A.

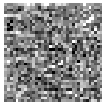
Stated that I shall within 3 months from today draw a demand draft in a sum of Rs.12.50 lacs each respectively in the names of my daughter and son. Moreover, I also undertake that I shall not disinherit my children from my movable/immovable property. I further pray that in view of the above undertakings the petition filed under Section 13(I) (i-a) and (i-b) of the Hindu Marriage Act, may be permitted to be converted into a petition under Section 13-B of the Hindu Marriage Act, and decree of divorce by mutual consent be passed by this Court. Since the petition has been converted into a petition under Section 13-B of the Hindu Marriage Act, thus I pray that the statutory period of 6 months commencing from today upto 6 months hereafter for both myself and my spouse for appearing before this Court for making a second motion statement may kindly be waived. Prayer is allowed and the statutory period of 6 months is waived.

Statement of Mrs. Kavita Chawla, wife of Ajay Chawla (daughter of Krishan Lal), resident of House No.A-81, 2nd Floor, Ashoka Enclave, Sector-37, Faridabad.

On S.A.

Stated that I have heard the statement of my husband. I agree with what has been stated thereins. Accordingly, the decree of divorce by mutual consent be passed.”

3. In terms of the statements of the parties, their request for the conversion of Hindu Marriage petition cast under Section 13(1) (i-a) and (i-b) of Hindu Marriage Act, thus into a petition under Section 13-B of the Hindu Marriage Act, is allowed.



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4. Since the parties are living separately since August 2004, thus this Court is also pleased to waive the statutory period of 6 months commencing from today upto the making of the second motion statement.
5. In addition, this Court also in terms of the statement proceeds to annul their marital ties through the passing of a decree of mutual consent. All other terms and conditions as occur in the respectively made statements, on oath shall be abided by the parties at contest.
6. The present appeal is accordingly disposed of and a decree sheet be drawn in terms of the statement made by the parties at lis. The Registry is directed to prepare the decree sheet accordingly. The statements of the parties be made part of the decree sheet. In case, the said sums of money are not liquidated by the appellant-husband to his spouse, thereupons he shall make himself amenable for his being prosecuted for perjury.

(SURESHWAR THAKUR)
JUDGE

28.08.2024
Ithlesh

(SUDEEPTI SHARMA)
JUDGE

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