



**224 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

**FAO-1072-2021 (O & M)
Date of Decision : 22.08.2024**

Geetika

.....Appellant

vs.

Puneet Kumar

....Respondent

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

Present : Mr. Atul Goyal, Advocate
for the appellant.

Mr. Parminder Pal Singh, Advocate
for the respondent.

SURESHWAR THAKUR, J. (Oral)

CM-1791-CII-2024

The instant application has been filed under order 6 rule 17 CPC read with Section 151 CPC for conversion of the petition filed under Section 13 of Hindu Marriage Act, into a petition under Section 13-B of the Hindu Marriage Act, 1955, thus for grant of divorce by way of mutual consent.

2. For good and valid reasons recorded in the application, besides in view of the compromise/settlement arrived at between the parties, this Court allows the instant application and accordingly converts the Hindu Marriage petition cast under Section 13 of Hindu Marriage Act, thus into a petition under Section 13-B of the Hindu Marriage Act.

**FAO-1072-2021**

1. During the pendency of the instant appeal as directed against the verdict passed on 11.08.2021, upon, HMA No. 338 of 2017 by the learned Principal Judge, Family Court, Ambala, whereby the matrimonial ties which were entered amongst the parties at contest became annulled, through a decree of divorce, rather both the Special Powers of Attorney of the appellant and of respondent appeared before this Court, and made their respective testification(s). The said testification(s) are ad verbatim extracted hereinafter.

“Statement of Raj Kumar Kapoor son of late Sh. O.P Kapoor, resident of 220, Hingiri Apartments, J Block, Vikas Puri, Outer Ring Road, Tilak Nagar, West Delhi, Delhi-110018

On Oath

Stated that I am Power of Attorney holder of my daughter i.e Geetika, the appellant in the instant appeal. I am placing on record the photocopy of the Special Power of Attorney, which is certified to be a true copy. I have made my signatures on each page of Special Power of Attorney (supra). The said Power of Attorney is being permitted to be exhibited as Exhibit 'A'. In the said Power of Attorney, my daughter-Geetika has authorized me to make a settlement in the matrimonial dispute inter se between the parties. In terms of the authorization conferred upon me, I accept the settlement as drawn amongst them before the Mediator in the Mediation Centre of this Court. The report of the Mediator is being permitted to be exhibited as Exhibit 'B'. Moreover, since all the conditions as embodied in the settlement deed (supra) are duly complied with, therefore, the marriage inter se my daughter-Geetika and the respondent-Puneet Kumar be dissolved through decree of mutual consent to be passed by this Court. Today, in terms of settlement deed, I have also



received a demand draft bearing No. 429207 dated 17.08.2024 amounting to Rs.17,50,000/- on behalf of my daughter. The settlement deed be made part and parcel of the decree sheet and the decree sheet be drawn accordingly.”

Statement of Aseem Kumar son of Shri Ramesh Pal, resident of House No. 346, Sector 1, Jail Land, Ambala City-134003

On Oath

Stated that I am Special Power of Attorney holder of my brother i.e Puneet Kumar, the respondent in the instant appeal. I am placing on record the original Special Power of Attorney. The said Power of Attorney is being permitted to be exhibited as Exhibit 'C'. In the said Power of Attorney, my brother-Puneet Kumar has authorized me to make a settlement of the matrimonial dispute inter se between the parties. Moreover, since all the conditions as embodied in the settlement deed (Exhibit 'B') are duly complied with, therefore, the marriage inter se my brother-Puneet Kumar and the appellant-Geetika be dissolved through decree of mutual consent to be passed by this Court. In terms of the authorization conferred upon me, I have given a demand draft bearing No. 429207 dated 17.08.2024 amounting to Rs.17,50,000/- in favour of Geetika to Mr. Raj Kumar Kapoor-Special Power of Attorney holder.”

2. Therefore, this Court also in terms of the statements (supra), thus 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.

3. The present appeal is accordingly disposed of and a decree sheet be drawn in terms of the settlement (Exhibit B) and statements made by the Special Powers of Attorney of the respective parties at lis.



The Registry is directed to prepare the decree sheet accordingly. The statements of the parties and the settlement/compromise (Exhibit B) be made part of the decree sheet.

4. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

22.08.2024
G Arora

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