

FAO-3229 of 2024 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-3229 of 2024 (O&M)

Reserved on 31.07.2024

Pronounced on: August 01, 2024

Monika

.....Appellant No.1

Vs.

Manoj Kumar

.....Appellant No.2

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

Present: Mr. Saurav Bhatia, Advocate for the appellants.

SUDEEPTI SHARMA J.

1. The present appeal is filed against the judgment and decree dated 14.07.2015 whereby petition filed under Section 13-B of Hindu Marriage Act, 1955 (hereinafter referred as 'Act') was allowed and marriage between the petitioners was dissolved w.e.f. 14.07.2015 by passing a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act, 1955. It was further stated in the judgment that the parties would remain bound by their statements made in the Court.

BRIEF FACTS OF THE CASE

2. The marriage between the parties was solemnized on 18.01.2003 at Village Nilewarhe, Tehsil Balachaur, as per the Hindu Rites and Ceremonies. Following the marriage, the parties lived together as husband and wife and cohabited with each other. Out of this wedlock, one male child namely Harjot (son) was born. Due to temperamental differences, the parties began living separately since 16.06.2012.

FAO-3229 of 2024 (O&M)

Subsequently, they decided to dissolve their marriage by filing a petition under Section 13-B of the Act. The appellants filed a petition bearing No.RBT/HMA no.439 of 2015 in the Court of learned District Judge, Family Court, SBS Nagar on 24.12.2014. The preliminary statements of the parties were recorded on 24.12.2014 and the second motion statements were recorded on 14.07.2015. On 14.07.2015, the learned Family Court passed a decree of divorce under Section 13-B of the Act thereby dissolving their marriage with mutual consent.

SUBMISSIONS OF THE COUNSEL

3. Learned counsel for the appellants submit that after obtaining a decree of divorce by mutual consent, the appellants have realized their mistake and now they want to stay together for the welfare of their son, since their divorce affected their son the most. To this effect, both the parties have compromised the matter vide Compromise Deed dated 18.05.2024 (Annexure A-1) and decided to reside with each other alongwith their son.

4. We have heard learned counsel for the parties and perused the whole record.

5. The issue raised in the present case is similar to the issue, which has already been decided by this Court on 29.07.2024 in a detailed judgment passed in FAO No.3075 of 2024, titled as "***Prabhdeep Kaur Vs. Harjiwan Singh***". In the case of ***Prabhdeep Kaur's case (supra)***, it has been held that in view of Section 96(3) of CPC, no appeal shall lie against the consent decrees. If the legislature had intended for decrees, under Section 13-B of the Act to be appealable, then provisions under Sections 21 and 28A of the Act and 96(3) of CPC, would be rendered redundant. Therefore, the present



FAO-3229 of 2024 (O&M)

6. Since the parties have now realised their mistake and want to live together, as per Section 15 of the Act, they are allowed to marry again. There is no bar in the Act for re-marriage of the parties, who have been granted decree of divorce.
7. In view of the above, the present appeal is dismissed as not maintainable. The parties are free to marry again.
8. All the pending applications also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

August 01, 2024
sonia arora

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