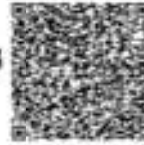


2024.PHHC:137911-DB



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

**FAO-M-11-2016(O&M)**

**Date of Decision:-21.10.2024**

**Jaspal Singh Bajwa**

.....Appellant.

Vs.

**Simranjeet Kaur @ Chhindo**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

**Present:-** Appellant in person with Mr. A.S. Manaise, Advocate.

Respondent in person with  
Mr. R.D. Bawa, Advocate with  
Mr. Randir Bawa, Advocate and  
Mr. Rishabh Rana, Advocate for the Respondent.

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**SUDHIR SINGH, J.(ORAL)**

**CM-18627-28-CII-2024**

Applications herein are for permission to amend the petition filed under Section 13 of the Hindu Marriage Act and converting the main appeal i.e., FAO-M-11-2016 into a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'Act') for grant of divorce with mutual consent.

2. Learned counsel for the applicant-appellant submits that pursuant to the directions of this Court, parties had arrived at a settlement/compromise in the shape of affidavits dated 18.10.2024 attached

along with CM-18628-CII-2024 for dissolution of marriage under Section 13-B of Hindu Marriage Act, 1956 by a decree of divorce by mutual consent. They have decided to part ways on the terms and conditions contained in the said settlement/compromise.

3. For the reasons stated in applications, same are allowed. Main appeal is ordered to be treated as petition under Section 13-B of the Act.

**Main case (O&M)**

Vide judgment and decree dated 20.11.2015 passed by the learned Additional District Judge, Gurdaspur, the petition filed by the petitioner-husband seeking divorce under Section 13 of the Act, was dismissed.

2. Learned counsel for the petitioner submits that marriage between the parties was solemnized on 02.03.2001 according to Sikh rites and ceremonies and no child was born out of the said wedlock.

3. It is worth noticing that during pendency of the present petition, the matter was referred to Mediation and Conciliation Centre of this Court but due to absence of either sides, the matter was not settled there. However, later on the matter was amicably settled between the parties on their own.

4. Both the learned counsel have filed the respective affidavits of the parties in the Court along with **CM-18628-CII-2024**. The same are taken on record.

5. From bare perusal of the record, it appears that the parties have been living separately since 09.03.2008. Learned counsel for the parties pray for waiving off the cooling period.

6. Considering the factum of compromise between the parties, application i.e., **CM-18640-CII-2024** is allowed, and the cooling/ statutory

period of 06 months is hereby waived off.

7. The terms and conditions as contained in para Nos.6,7,8 & 9 of the settlement/compromise dated 18.10.2024 arrived at between the parties, would read as under:-

“ (6) That during the pendency of the abovesaid appeal, the matter was amicably settlement between the parties on 04.10.2024 (as mentioned in order dated 04.10.2024 of this Hon’ble Court), wherein the parties have decided to part-ways by obtaining divorce by mutual consent and Appellant/petitioner no.1 (Husband) agreed to pay a total sum of Rs.19 lakhs as full and final payment towards One Time Settlement to the respondent/petitioner no.2 (Wife).

(7) That with this, all claims of respondent/petitioner no.2 (Wife) including her past, present and future maintenance as well as permanent alimony stand settled and she will have no other claim over the moveable or immovable property of the appellant/petitioner no.1(Husband). Both the parties shall withdraw all cases/litigations pending against each other in terms of the settlement and shall not raise any dispute in future with regard to this marriage.

(8) That it has been agreed that appellant/petitioner no.1(Husband) shall pay the total sum of Rs.19 lakh to the respondent/petitioner no.2 (Wife) on the date of listing of the petition under Section 13-B of HMA.

(9) That in terms of the aforesaid settlement, the appellant/petitioner no.1 (Husband) has prepared a Demand Draft No.502278 dated 16.10.2024 for Rs.9,50,000/- and Demand Draft No.502279 dated 16.10.2024 for Rs.9,50,000/- in favour of Respondent/Petitioner No.2 (Wife) and is filing the present petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by a decree of divorce by way of mutual consent. Both the aforesaid demand drafts amounting to Rs.19 lac in total shall be handed over to the respondent/petitioner no.2 (wife) in the Court at the time of hearing of the aforesaid petition under Section 13-B of HMA.”

8. In compliance of the terms of the aforesaid settlement, demand drafts bearing No.502278 dated 16.10.2024 for an amount of Rs.9,50,000/- and Demand Draft No.502279 dated 16.10.2024 for Rs.9,50,000/- i.e. total settlement amount of Rs.19 lakhs has already been handed over to respondent/wife. Copies of the said demand drafts have been taken on record and the same have also been supplied to the respondent/wife.

9. In terms of aforesaid settlement, respondent/ wife, who is present in person in the Court, has no objection if the present petition is disposed of in terms of the compromise.

10. In view of the settlement/compromise effected between the parties, present petition under Section 13-B of the Act is allowed. Since the divorce is being granted to the parties by way of mutual consent under Section 13-B of the Act, it goes without saying that the judgment and decree dated 20.11.2015, passed by learned Additional District Judge, Gurdaspur shall have no effect, and the same stands set aside.

11. However, it is clarified that the parties shall remain bound by the terms and conditions of the aforesaid settlement/ compromise, which shall form part of the decree.

12. Decree sheet be drawn accordingly.

13. Pending application(s), if any, shall stand disposed of.

( SUDHIR SINGH )  
JUDGE

( JASJIT SINGH BEDI )  
JUDGE

October 21, 2024  
Vinay

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