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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-183-2016 (O&M)
Date of decision: 29.08.2024

AMARJIT KAUR

...Appellant

Versus

MUNISH KUMAR

...Respondent

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

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

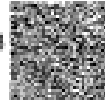
Mr. Harsh Aggarwal, Advocate
for the respondent.

SURESHWAR THAKUR, J. (ORAL)

1. The instant appeal is directed against the judgment and decree, which was passed by the learned Family Court concerned, upon Hindu Marriage petition bearing HMA Case No.28 of 2014, thereby segregating the marital ties between the parties. The said petition was instituted by the respondent herein, wherein, he claimed the making of a decree, for thus segregating his marital ties, with his spouse one Amarjit Kaur, rather on the ground of cruelty and desertion.

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 have made their respective statements

before this Court. As such, they claim that after converting the present

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petition cast under Section 13 of the Hindu Marriage Act, into a petition under Section 13-B of the Hindu Marriage Act, thus a decree of divorce by mutual consent be passed. Both the appellant and the respondent as well as the father of the respondent have made their respective testifications on oath, and, the same are reproduced hereinafter.

“Statement of Som Chand son of Shadi Ram, resident of Ward No.13, Backside Baba Namdev Gurudwara Sahib Sunam, District Sangrur.

On S.A.

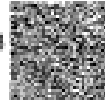
I state that I shall not disinherit any of my grandchildren born out of marriage between my son Munish Kumar and Amarjit Kaur. I further state that I will also as and when, according to my financial means financially support my granddaughter, who is presently living with the present appellant. I will also according to my financial status bear the expenses towards the granddaughter presently living with the present appellant.

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Statement of Munish Kumar son of Som Chand, resident of Ward No.13, Backside Baba Namdev Gurudwara Sahib Sunam, District Sangrur.

On S.A.

I undertake that within a period of 7 months from today I shall pay a sum of Rs.8 lacs to my wife as one time permanent alimony. I further pray that in view of the above undertakings the petition filed under Section 13 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.

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**Statement of Amarjit Kaur (wife of Munish Kumar)
daughter of Ajaib Singh alias Leela, resident of Sunam,
District Sangrur.**

On S.A.

Stated that I have heard the statement of my husband namely Munish Kumar and my father-in-law Som Chand. I undertake to withdraw all the pending litigations filed by me against my husband and his family members.”

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

4. Since the parties are living separately since September 2013, 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 terms of the said made statements before this Court, this Court proceeds to annul the marital ties between the parties through passing 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 statements made by the parties at lis. The Registry is directed to accordingly prepare the modified decree sheet. The statements of the parties be made part of the decree sheet. In case, the said

sums of money are not liquidated by the respondent-husband to his spouse,

thereupons he shall make himself amenable for his being prosecuted for perjury.

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

(SURESHWAR THAKUR)
JUDGE

29.08.2024

Ithlesh

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

(SUDEEPTI SHARMA)
JUDGE