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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M No.283 of 2017 (O&M)

Date of Decision: 16.04.2024

Anjul Kumar Bishnoi

..... Appellant

V/s.

Vijeta Gupta

.....Respondent

CORAM: **HON'BLE MR. JUSTICE SUDHIR SINGH**
HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sandeep Verma, Advocate for the appellant.

Mr. Kamal Grover, Advocate for the respondent.

Sudhir Singh, J. (Oral)

CM-6846-CII-2024/ Main case

1. The present application has been filed for converting the present appeal into a petition under Section 13-B of Hindu Marriage Act, 1955 (for short 'the Act'), as the parties have settled their disputes amicably before the Mediation and Conciliation Centre of this Court.

2. Considering the grounds and submissions made by learned counsel for the applicant-appellant that the matter has been amicably settled between the parties vide settlement/compromise dated 14.09.2023 (Annexure A-1) and that the parties have decided to part ways on the terms and conditions contained in the said settlement/compromise; the present application is allowed. The present proceedings are ordered to be treated as proceedings under Section 13-B of the Act.

3. Alongwith the application (CM-6846-CII-2024), a joint petition under Section 13-B of Hindu Marriage Act, 1955 has been filed for dissolution of marriage by way of mutual consent. Following are the terms of settlement dated 14.09.2023 executed between the parties:

“a) The parties have mutually agreed to put an end to litigation present and future. The first party-husband has agreed that he will pay a sum of Rs.26,00,000/- (Rupees Twenty Six Lacs Only) to his

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wife and minor children as permanent alimony, past, present and future. It is mutually agreed that from today onwards the second party and her minor children will not be entitled to any maintenance so granted by learned Court/forum in regard to maintenance in any matter to wife (second party and the child). The first party-husband has paid a sum of Rs.10,000/- (Rupees Ten Thousand Only) in the account of the second party-wife, in compliance of the order dated 07.08.2023 passed by this Hon'ble High Court on 17.08.2023.

The first party - husband will pay a sum of Rs.26,00,000/- (Rupees Twenty Six Lacs Only) by way of two demand drafts of Rs. 13,00,000/- each on 14 of November, 2023 i.e. the date fixed before this Hon'ble Court; in favour of Vijeta Gupta-wife, on presentation of joint application for treating this present appeal as petition for dissolution of marriage on the basis of mutual consent. After the payment of said amount nothing shall be due to be paid including moveable or immovable to the second party and her minor child for all times to come.

b) It is agreed between the parties that the custody of the minor child will always remain with the mother- wife.

c) As regard the visitation rights, the first party is at his liberty to meet his child in presence of second party. It is agreed that for the purposes of education of the minor child, if any documents of the father are required then the father would provide the same for the welfare of the child.

d) That the parties are free to move on with their lives independently after the decree of divorce by way of mutual consent and have further agreed not to interfere in the lives of each other.

e) It is mutually agreed between the parties that after the conclusion of the mutual divorce proceeding before this Hon'ble Court, the first party husband will file a petition for quashing of the FIR No.211 dated 07.07.2013, under Sections 498-A, 323, 504 and 506 of Indian Penal Code, registered at Women Police Station City Kanpur and all the subsequent proceedings therein, on the basis of compromise before the Hon'ble Allahabad (Prayagraj) High Court in which the second party-wife would co-operate in getting the said FIR quashed and for this purpose she would be bound to give her statement for getting the FIR quashed before the appropriate Court of law.

f) That it is further agreed that both the parties along with their family members will not file any fresh litigation arising of the present matrimonial discord. Both the parties have shed their grudges against each other side.

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f) Both the parties have agreed that they will not defame or maligne the image of each other in the society and will live peacefully.

g) That it is mutually agreed that terms and conditions of the present settlement/agreement would be strictly ad hered by both the parties and if first party-husband backs out from the compromise then the second party- wife will have the liberty to revive the proceedings before this Hon'ble High Court as well as the criminal case/FIR pending at City Kanpur and the amount paid will be forfeited. Similarly, if the second party-wife backs out from the compromise then she will be bound to return an amount of Rs.52,00,000/- (Rupees Fifty Two Lacs Only) i.e. double the amount of Rs.26,00,000/-(Rupees Twenty Six Lacs Only) received in the shape of permanent alimony.”

4. Further, an oral request has been made for waiving off the cooling period as the parties have been residing separately for the last 12 years.

5. Considering the factum of compromise between the parties and also the fact that the parties are residing separately for last 12 years; the cooling/statutory period of 06 months is hereby waived off.

6. In compliance of the terms of the aforesaid settlement, a demand draft bearing No.071322 dated 06.03.2024 for an amount of Rs.26,00,000/- has been handed over by learned counsel for the appellant to the counsel for the respondent, who will further handover the same to the respondent. Copy of the said demand draft is taken on record.

7. In view of the aforementioned facts and circumstances and also considering the prayer made in the present proceedings for grant of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, the joint petition under Section 13-B of the Hindu Marriage Act, 1955 is accepted and the marriage between the parties is ordered to be dissolved.

8. Since the divorce is being granted to the parties by way of mutual consent under Section 13-B of the Hindu Marriage Act, it goes without saying that the judgment and decree dated 26.07.2017 passed by the learned Additional District Judge, Panipat shall have no effect and the same shall stand set aside.

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9. 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.
10. Decree sheet be drawn accordingly.
11. Pending application(s), if any, shall stand disposed of.

(SUDHIR SINGH)
JUDGE

16th April, 2024

Sonia Puri

(HARSH BUNGER)
JUDGE

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