

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-9169-CII to 9172-CII-2024 in/and
FAO-M-202-2018 (O/M)
Date of decision : 27.05.2024

Bhupinder Singh

..... Appellant

Versus

Sandeep Kaur and another

..... Respondents

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

Present :- Applicant-appellant in person with
Mr. Ritesh Aggarwal, Advocate.

Non applicant-respondent in person with
Mr. Pankaj Bains, Advocate.

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SUDHIR SINGH, J. (ORAL)

CM-9170-CII-2024

Application herein is for seeking preponement of the main appeal
to an early date.

For the reasons mentioned in the application, same is allowed and
and the main matter is being taken up today itself for final disposal.

CM-9169-CII-2024

Application herein is for seeking permission to convert main
appeal into a petition/proceeding under Section 13-B of Hindu Marriage

Act, 1955 (for short 'the 1955 Act') for grant of divorce by mutual consent, in view of compromise deed dated 05.12.2023 (Annexure A-1).

Learned counsel for the applicant-appellant submits that a compromise has been arrived at between the parties, vide compromise deed dated 05.12.2023 (Annexure A-1); and they have decided to part ways on the terms and conditions in the said compromise deed.

For the reasons mentioned in the application, same is allowed. Main appeal is ordered to be treated as petition/proceedings under Section 13-B of the 1955 Act.

CM-9172-CII-2024

Application herein is for placing on record the joint petition filed under Section 13-B of the 1955 Act, for dissolution of marriage.

For the reasons mentioned in the application, same is allowed. The joint petition filed under Section 13-B of the 1955 Act, for dissolution of marriage, is taken on record, subject to all just exceptions.

CM-9171-CII-2024 in/and FAO-M-202-2018

1. Vide judgement and decree dated 05.04.2018, passed by the learned Additional District Judge, Patiala, the petition filed by the petitioner-husband, seeking a decree of divorce under Section 13 of the 1955 Act, was dismissed.

2. Learned counsel for the parties submit that the marriage between the parties was solemnized on 14.10.2007 by way of Anand Karaj ceremonies and out of said wedlock, two children were born.

3. From bare perusal of the record, it appears that the parties have been living separately for more than eight years. Learned counsel for the parties contend that now the matter has been amicably settled between the parties, vide compromise deed dated 05.12.2023 (Annexure A-1); and by way of filing CM-9171-CII-2024, learned counsel pray for waiving off the cooling period.

4. Considering the fact that the parties are residing separately for the last more than eight years and on account of compromise between the parties, application, i.e. CM-9171-CII-2024, is allowed and the cooling/statutory period of six months is hereby waived off.

5. The terms and conditions of compromise deed dated 05.12.2023 (Annexure A-1), arrived at between the parties, would read as under :-

“4. That now after considering the age and future of both the parties the respectable persons and parents of both the parties have come forward and got their matter compromised/settled. According to which both the parties have agreed to get separate from each other with their own free will. The rest conditions of compromise are as under:-

- 1. That party No. 1 will have no objection if the divorce petition or its appeal is allowed in favour of the Party No. 2 by any Court.*
- 2. That from today onwards the husband and wife relation between the parties is annulled and both the parties will not interfere into each other's private life and neither they will initiate any proceedings or complaints against each other or their respective families.*
- 3. That apart from this party No. 1 will not claim*

any right whatsoever in the property of party No. 2 or its family members and nor she will seek any maintenance. That now both the parties will remain separate from each other and will not interfere in the private life of each other.

4. *That as per this compromise the children will remain with party No. 2 and party No. 1 will not claim anything over them and if the children in future want to pursue the studies abroad and they proceed accordingly then the party No. 1 will have no objection.*
5. *That in case, for children's future the presence of party No. 1 or any no objection is required then party No. 1 will not refuse for the same and will grant no objection without any problem.*
6. *That if any of the party to this agreement/compromise, does not favour the conditions then a legal action will be taken against him/her.”*

6. In view of the compromise effected between the parties, present petition under Section 13-B of the 1955 Act is allowed. Since the divorce is being granted to the parties by way of mutual consent under Section 13-B *ibid*, it goes without saying that the judgment and decree dated 05.04.2018, passed by the learned Additional District Judge, Patiala shall have no effect and the same stands set aside.

7. However, it is clarified that the parties shall remain bound by the terms and conditions of the aforesaid compromise deed dated 05.12.2023 (Annexure A-1), which shall form part of the decree.

8. Decree sheet be drawn accordingly.

9. All pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

27.05.2024
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No