

2024.PHHC.092727



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

FAO 943 of 2020 (O&M)
Date of decision: 23rd July, 2024

Ram Niwas

..Appellant

Versus

Smt. Rajesh

..Respondent

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

Present: Mr. P.S. Sullar, Advocate, Mr. T.S. Sullar, Advocate,
Mr. Mann Singh Bavnoor, Advocate,
Mr. Himanshu Bansal, Advocate and
Mr. Milan Jarial, Advocate for the appellant.

Mr. Ashok K. Sharma, Advocate for the respondent.

SURESHWAR THAKUR, J(Oral)

1. The instant appeal is directed against the judgment and decree passed by the learned Additional District and Sessions Judge, as Principal Judge, Family Court, Jind, on 4.12.2019, upon CIS Case No. 34 of 2015 whereby the said petition seeking annulment of the marital ties amongst the contesting litigants, thus became dismissed.

2. During the pendency of the instant appeal before this Court, both the estranged marital partners recorded their respective personal appearances before this Court. Moreover during the making of concerted efforts by this Court for ensuring theirs making a one time settlement amongst them,wherebys a consent decree may become passed by segregating their marital ties, this Court noticed that the marital ties amongst the

estranged couple, have irretrievably broken down wherebys this Court finds that the estranged couple cannot re-cohabit. Moreover, the efforts made by this Court to ensure the making of a one time settlement between the married couple, did succeed, and ultimately both the appellant and the respondent who appeared before this Court, thus made their respective statements on oath, statements whereof are extracted hereinafter:-

“Statement of Smt. Rajesh wife of Ram Niwas, daughter of Shamsher Singh, r/o village Jamni now at C/o Mahesh Ahlawat Foji, Shyam Nagar, Ward No.7 near D.N Public School, Patiala Chowk, Jind, Tehsil and District Jind.

On S.A.

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Stated on oath that in case the present appellant Ram Niwas (my husband) is willing to pay a lump sum amount of Rs. 7 lac as permanent alimony within six months, then this Court may proceed to after reversing the verdict of dismissal of Hindu Marriage Petition No.64-RBT/2015/2019, allow Hindu Marriage Petition and also allow FAO No. 943 of 2020, thus proceed to pass a decree of divorce. I pray that however, all the allegations made therein be expunged from the record. I also pray that my son named Sahil aged about 16-1/2 be not disinherited by the appellant from property concerned. Moreover I will not stop the appellant from visiting my son.

I have received a demand draft of Rs.35,000/- today in Court towards litigation expenses.

I also forego all the maintenance claim in various courts and in matrimonial proceedings and also undertake to withdraw all subjudice matter before any Court except the case relating to my son instituted by me in the name of my son being minor and I also ensure to get purchased a cell phone for my son and to exchange the mobile number of my son with the appellant.

XXXX

XXX

XXX

Statement of Sh. Ram Niwas aged 28 years son of Inder Singh, r/o village Dalawala Tehsil and District Jind.

On S.A.

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Stated on oath that I have heard the statement of respondent-Rajesh, suffered today in Court and I will pay a lump sum amount of Rs. 7 lac as permanent alimony within six months to my wife, accordingly I pray that the instant appeal be allowed and impugned judgment passed on the Hindu Marriage Petition No.64-RBT/2015/2019 be quashed. All the allegations made by me in the said petition be expunged from the record. I will not disinherit my son from the ancestral property or from my self acquired property. I may be reserved visiting right upon my minor son and may also be allowed to talk to my son on cell phone.

I have paid a demand draft of Rs.35,000/- today in Court towards litigation expenses.

XXX

XXXX

XXX

3. Demand draft for a sum of Rs.35,000/- as litigation expenses was handed over today in Court by the learned counsel for the appellant to the counsel for respondent, and, the same has been further handed over by the counsel for the respondent to the respondent-wife, who is present in Court.

4. Moreover, in terms of above made statements on oath before this Court, we allow the instant appeal and annul the marital ties inter se the parties. Decree sheet in terms of statements of the parties be drawn by the Registry of this Court. Parties shall remain bound by their statements. Their statements be made part of the decree sheet.

5. The outstanding sum of money to be paid to the respondent/spouse be ensured to be liquidated to her thus within a period of six months. In case the said sums of money are not liquidated by the appellant to his spouse, thereupon, he shall make himself amenable for being prosecuted for perjury.

(SURESHWAR THAKUR)
JUDGE

23rd July, 2024
reema

(SUDEEPTI SHARMA)
JUDGE

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