



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**FAO-1523-2022 (O&M)
Decided on :18.03.2025**

Suresh Kumar

...Appellant

VERSUS

Sonia Rani

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. B.K. Bagri, Advocate for the appellant-husband.

Mr. Vikas Singh Chawra, Advocate for the respondent-wife.

SUDHIR SINGH, J (ORAL)

CM-4461-CII-2025:

For the reasons stated in the application, the same is allowed and the main appeal is pre-poned from 20.05.2025 and taken up on Board today itself for final disposal.

CM-4462-CII-2025:

For the reasons stated in the application, the same is allowed and the settlement/compromise deed dated 11.02.2025 (Annexure A-5) and the order dated 06.02.2025 passed by learned Principal Judge, Family Court, Jind (Annexure A-6) are taken on record.

CM-4463-CII-2025:

The present application is for permission to convert the main appeal into a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of a decree of divorce by mutual consent in view of the settlement/compromise deed dated 11.02.2025 (Annexure A-5) arrived at between the parties and the appeal be disposed of accordingly.

2. Learned counsel for the appellant submits that during the pendency of the appeal, both the parties have amicably settled their dispute. Therefore, they have entered into a settlement /compromise deed dated 11.02.2025 (Annexure A-5). They have decided to part ways on the terms and conditions as incorporated in the said settlement/compromise deed dated 11.02.2025.

3. Hence, the present application is allowed and the main appeal is ordered to be treated as petition under Section 13-B of the Act.

MAIN CASE:

Vide judgment and decree dated 06.01.2022 passed by the learned Additional Principal Judge, Family Court, Hisar, the petition under Section 13 of the Act filed by the appellant-husband seeking dissolution of marriage between the parties, was dismissed.

2. Learned counsel for the parties submit that the marriage between the parties was solemnized on 11.02.2018 according to Hindu rites. Both the parties lived together and cohabited as husband and wife, but no child was born out of the said wedlock.

3. Learned counsel for the parties further submit that during the pendency of the appeal, with the intervention of the relatives and friends, a settlement/compromise deed dated 11.02.2025 (Annexure A-5) was arrived at

between the parties and the same has been placed on record by way of CM-4462-CII-2025. They have decided to part ways on the terms and conditions contained in the said settlement/compromise deed. They have also agreed mutually that they will not interfere in the life of each other after a decree of divorce on the basis of mutual consent between them and they will abide by the terms and conditions as incorporated in the said settlement/compromise deed.

4. The appellant had filed an application i.e. CM-4463-CII-2025 seeking permission for converting the main appeal into a petition under Section 13-B of the Act and the same has been allowed, as aforesaid.

5. From a bare perusal of the record, it appears that due to temperamental differences, the parties have been living separately since 01.08.2018 and there is no chance of cohabitation between them. As such, they have agreed to seek a decree of divorce by way of mutual consent in view of aforesaid settlement/compromise deed (Annexure A-5), which is duly supported by way of affidavits of both the parties stating therein that due to temperamental differences, the parties have not been able to live together and they have now agreed that their marriage be dissolved by way of mutual consent. They further prayed for for waiving off the statutory cooling period.

6. Considering the factum of aforesaid settlement /compromise deed, the cooling period of 06 months is hereby waived off. Needless to say though earlier both the parties had filed a joint petition under Section 13-B of the Act and their first joint motion statement was recorded on 14.02.2020, yet the said petition was dismissed as withdrawn on 03.03.2021, due to consent being withdrawn by appellant-husband.

7. In view of the settlement/compromise deed dated 11.02.2025 (Annexure A-5), the 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 06.01.2022, passed by the learned Additional Principal Judge, Family Court, Hisar shall have no effect and the same stands set aside.

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

9. Decree sheet be drawn accordingly.

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

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

18.03.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No