



In the High Court of Punjab and Haryana at Chandigarh

FAO No. 870 of 2025 (O&M)

Date of Decision: 01.5.2025

Nitin Kapil

.....Appellant

Versus

Nitika Soni

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Appellant in person with
Mr. Aman, Advocate.

Respondent in person with
Mr. Rishav Kamboj, Advocate.

SURESHWAR THAKUR, J. (ORAL)

1. During the course of hearing being made upon the instant appeal, the appellant and the respondent appeared before this Court, and, on oath recorded their respective statements', statements whereof become extracted hereinafter.

“Statement of Nitin Kapil S/o Purshottam Dass Kapil, R/o House No. 91, Sector 21-C, District Faridabad, Haryana, on oath.

That, I along with my wife namely Nikita Soni i.e. respondent in the present appeal, filed a petition cast under Section 13-B of the Hindu Marriage Act before the learned Family Court, Faridabad, wherebys me and my spouse had claimed the rendition of a decree of divorce by mutual consent. Both of us have made a joint statement on first motion before the learned Family Court concerned, on 5.7.2023. Since my spouse after making the first motion statement, did not appear before the learned Family Court concerned, therebys through an order became passed on 4.1.2025 by the learned Family Court concerned, the Hindu Marriage Petition (supra) was dismissed being rendered infructuous.

That I state today before this Court that my statement suffered today be taken as second motion statement, wherebys the learned Family Court concerned, may be directed to in terms thereof, pass a decree dissolving my marital union with the respondent through a



decree by mutual consent being rendered. I also pray that as such, in view of my above statement, the impugned order be quashed and set aside and for the passing of the said decree by the learned Family Court concerned, directions in the said regard be made by this Court.

x x x x”

“Statement of Nikita Soni W/o Nitin Kapil, R/o House No. 642, Housing Board Colony, Sector 7, Bahadurgarh, District Jhajjar, Haryana, on oath.

That, I have heard the statement of my husband Nitin Kapil i.e. the present appellant. I along with my husband, filed a petition cast under Section 13-B of the Hindu Marriage Act before the learned Family Court, Faridabad, wherebys we claimed the rendition of a decree of divorce by mutual consent. Both of us have made a joint statement on first motion before the learned Family Court concerned, on 5.7.2023. However, after making the first motion statement, I could not appear before the learned Family Court concerned, as I was suffering from some mental trauma. Now since more than 1½ years has been elapsed since the making of the first motion statement. Moreover, when otherwise only a period of one year, as ordained in the relevant provisions for the same becoming elapsed in the making of the first statement. Therefore, I also re-state before this Court, as also re-stated by my husband, that we are ready and willing to severe our marital union in terms of our statements through a direction being made upon the learned Family Court concerned, to as such, draw a decree annulling our marital union through mutual consent. I forego all the claims in respect of the maintenance pendente lite and alimony. I also undertake that all the pending litigations between me and my husband shall be withdrawn by me. I also request this Court that the impugned order be quashed and set aside.

x x x x”

2. In view of the supra made statements by the contesting litigants, the instant appeal is allowed. The impugned order is quashed and set aside.

3. Nonetheless, since in terms of the supra made statements, the contesting litigants are still ready and willing to severe their marital union through a decree of divorce by mutual consent being passed. Resultantly, thereby the learned Family Court concerned, is directed to pass a decree, thus annulling by mutual consent, the marital union of the contesting



litigants.

4. The miscellaneous application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

May 01, 2025
Gurpreet

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