



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

210

FAO-1451-2020

Date of Decision: 22.12.2025

Abhishek Gautam**....Appellant****Versus****Vandana****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Rajesh Bansal, Advocate with appellant in person.

Mr. Kulvir Narwal, Advocate with respondent in person.

Harsimran Singh Sethi, J. (Oral)

1. The present appeal has been filed against the impugned judgment and decree dated 24.01.2020 passed by the learned Principal Judge, Family Court, Rohtak, whereby petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage has been dismissed.

2. During the pendency of the present appeal, the parties have interacted with each other and the learned counsel for the respective parties submit that even today also, the parties are present in Court and as per the instructions given to the counsel by the respective parties, they have mutually decided to dissolve the marriage by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, and on oral joint submission of the parties, the present appeal be treated as a petition under Section 13-B of the Hindu Marriage Act, 1955.



-: 2 :-

3. Keeping in view the said oral request of the parties, the present appeal is converted into a petition under Section 13-B of the Hindu Marriage Act, 1955 for mutually dissolving the marriage between the appellant-husband and the respondent-wife.

4. The learned counsel for the respective parties submit that as per the terms and conditions of the mutual written agreement dated 22.12.2025 between the parties, a sum of Rs.20 lakhs shall be paid by the appellant-husband to the respondent-wife in four equal installments, payable half yearly. The said amount shall constitute full and final settlement of all claims between the parties.

5. A son born out of the wedlock namely Arpit, who is also present in Court submits that keeping in view the prevailing situation, he does not wish to claim anything from his father, i.e. the appellant herein, whereas, the appellant-father submitted that whatever he can do for his son, will be done by him keeping in view his financial status as and when required though, the same will be voluntary.

6. The learned counsel for the parties submit that both the parties have been living separately since the year 2011 and a period of 14 years have elapsed since they are residing separately. Keeping in view the prolonged separation, 6 months 'Cooling off' period envisaged under Section 13-B(2) of the Hindu Marriage Act, 1955, for re-consideration of the decision of dissolving the marriage mutually be condoned and a decree of divorce may be granted forthwith.

7. We have heard the learned counsel for the parties and have gone through the record with their able assistance.



-: 3 :-

8. Keeping in view the totality of the facts and circumstances especially that the marriage has irretrievably broken down and both the parties are living separately for the last 14 years coupled with the fact that the parties have decided mutually to end their marriage without casting any aspersions upon each other as, both the parties have made a statement before this Court that the allegations being alleged by either of the parties against each other be treated as withdrawn, the decree of divorce is granted by this Court under Section 13-B of the Hindu Marriage Act, 1955 by treating the present appeal as a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for mutual divorce in view of the written agreement between the parties dated 22.12.2025, which is taken on record as Annexure-A.

9. The parties shall be governed by the terms of their written mutual agreement dated 22.12.2025, as submitted before this Court by the learned counsel for the parties. According to the terms of the written mutual agreement dated 22.12.2025, husband-Abhishek Gautam (appellant) shall pay a total sum of Rs.20 lakhs to wife-Vandana (respondent) and the first installment of Rs.5 lakhs shall be paid by 30.06.2026 and thereafter, the second installment of Rs.5 lakhs shall be paid by 31.12.2026 and another sum of Rs.5 lakhs shall be paid by 30.06.2027 and the last installment of Rs.5 lakhs shall be paid by 31.12.2027. Said agreement will be full and final settlement without there being any further claim either by his wife Vandana or the son Arpit. Henceforth neither of the parties will initiate any proceedings or make allegations so as to defame each other.

10. The appeal is, accordingly, disposed of. The impugned order dated 24.01.2020 passed by the learned Principal Judge, Family Court,



FAO-1451-2020 (O&M)

-: 4 :-

Rohtak, is accordingly modified, to grant the appellant and the respondent a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, waiving the statutory waiting period of six months under Section 13-B(2) of the Hindu Marriage Act, 1955.

11. Let a decree of divorce be drawn under Section 13-B of the Hindu Marriage Act, 1955 dissolving the marriage between the parties. Agreement between the parties is also made part of the decree.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 22, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No