



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

**FAO-1448-2025 (O&M)
Date of Decision: 06.03.2025**

Parul

.....Appellant

Versus

Amit Kumar

.....Respondent

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

Present:- Mr. Amit Khari, Advocate,
for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the judgment and decree dated 05.12.2024 passed by the Principal Judge, Family Court, Panipat (for short 'the Family Court'), whereby the joint petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the parties was allowed and the marriage between the parties was dissolved with mutual consent, by a decree of divorce.

2. The aforesaid petition had been filed by the parties jointly, *inter-alia*, pleading therein that their marriage was solemnized on 07.11.2016 as per *Hindu* rites. Out of the said wedlock, three children, namely Anmol (son), Aavya (daughter) and Shree Ram (son) were born.

However, due to temperamental differences, their relations became strained and they could not live together as husband and wife. They had been living separately since 12.01.2023. It was further pleaded that all the efforts for reconciliation between them had failed. Finally, they filed a joint petition under Section 13-B of the Act seeking dissolution of marriage with mutual consent by way of decree of divorce. The said petition was allowed vide impugned judgment and decree dated 05.12.2024.

3. Now, the appellant-wife has filed the instant appeal challenging the impugned judgment and decree on the ground that respondent-husband had obtained the said decree in a pre-planned manner by playing fraud upon her.

4. Learned counsel for the appellant-wife has contended that the appellant-wife is innocent lady. The respondent-husband had strained relations with his in-laws (parents of the appellant) and in April, 2024, he told the appellant-wife that he would continue to reside with her, if she stopped her relationship with her parents. Learned counsel for the appellant-wife further argued that on 27.05.2024, the respondent-husband had taken her to the Court Complex and got signed some documents from her by saying that those documents were prepared for filing a case against her family. Reposing trust upon the respondent-husband, the appellant-wife had signed those documents. He has further contended that after obtaining the decree of divorce, the respondent-husband had left the appellant-wife

at her parental house.

5. We have heard learned counsel for the appellant-wife and have also gone through the contents of the petition.

6. Section 19 (2) of the Family Courts Act, 1984 (for short 'The Family Court Act') provides that the consented orders/decrees passed by the Family Court cannot be challenged in appeal. The said Section reads as under:-

19. Appeal.-

[\(1\)](#) xx xx XX

[\(2\)](#) No appeal shall lie from a decree or order passed by the Family Court with the consent of the parties or from an order passed under Chapter IX of the Code of Criminal Procedure, 1973:

Provided that nothing in this sub-section shall apply to any appeal pending before a High Court or any order passed under Chapter IX of the Code of Criminal Procedure 1973 before the commencement of the Family Courts (Amendment) Act, 1991”

7. A perusal of the impugned judgment shows that the petition under Section 13-B of the Act filed by the parties was allowed on consensual basis as the appellant-wife herself had made statements twice i.e. on first motion as well as on the second motion, before the Family Court to the effect that she had already received permanent alimony for past, present and future and nothing was due to be paid to her. It was also agreed that the custody of minor children would remain with respondent-husband and the appellant-wife would not file any criminal or civil case against him claiming the custody of the children in future. Both the parties had made such statements without any pressure,

coercion and undue influence. Ultimately, on the basis of the statements suffered by both the parties, the impugned judgment and decree was passed by the learned Family Court.

8. Since the impugned judgment was passed on the basis of consent of the parties, no appeal against the said order is maintainable before this Court as per Section 19 (2) of the Family Court Act.

9. Faced with the aforesaid, learned counsel for the appellant seeks liberty to move an appropriate application before the learned Family Court for rederssal of appellant's grievance.

10. In view of the above, the present appeal is disposed of with liberty, as aforesaid.

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

**(SUDHIR SINGH)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

06.03.2025
Ajay Prasher

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>