

2025:PHHC:016353-DB



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

FAO-6023-2024 (O&M)
Date of Decision: 29.01.2025

Paramjit Kaur

.....Appellant

Versus

Ranjodh Singh

.....Respondent

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

Present:- Mr. Gopal Singh Nahel, Advocate,
and Ms. Shifa Arora, Advocate,
for the appellant.

SUDHIR SINGH, J.(ORAL)

CM-23012-CII-2024

For the reasons mentioned in the application,
same is allowed and delay of 190 days in filing of the appeal
is condoned.

FAO-6023-2024 (O&M)

Challenge in the present appeal is to the
judgment and decree dated 13.03.2024 passed by the
Principal Judge, Family Court, Camp Court Patti (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

2. The aforesaid petition had been filed by the parties jointly, *inter-alia*, pleading therein that their marriage was solemnized on 15.07.2017 as per *Sikh* rites and no child was born out of the said wedlock. However, due to temperamental differences, they could not live together as husband and wife. They had been living separately since 05.01.2021. 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 13.03.2024.

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 and illiterate lady. The respondent-husband, who is serving in the Indian Army, had told her that the Army was giving promotions to the soldiers, who were single or divorcee. He had convinced the appellant to file a joint petition under Section 13-B of the Act, so that he could get promotion in the Army. Learned counsel for the appellant further argued that the respondent-husband had also assured the appellant that the decree of divorce would only be an eye

continue to live together as husband and wife even after getting the promotion. Reposing trust upon the respondent-husband, the appellant-wife filed the aforesaid petition under Section 13-B of the Act. He has further contended that after obtaining the decree of divorce, the respondent-husband had thrown the appellant-wife out of his 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

to her. Further, both the parties had also stated before the Family Court that they would not file any criminal or civil case against each other in future and that they 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

29.01.2025
Ajay Prasher

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