

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.75-M of 2011 (O & M)

Date of decision: 01.03.2013

Savinder Pal Singh

.....Appellant

and

Jeevan Jyoti Kaur

..... Respondent

**CORAM : HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE S.P.BANGARH**

Present: Mr. G.S. Ghuman, Advocate for the appellant.

Mr. O.S. Batalvi, Advocate for the respondent.

S.S. SARON, J.

The marriage between the parties was solemnized on 21.03.1999 according to Sikh rites and ceremonies i.e. by Anand Karaj at Patiala. They resided together as husband and wife till April, 2005. Savinder Pal Singh (appellant) filed a petition under Section 13 of the Hindu Marriage Act, 1955 (Act-for short) on 20.12.2007 for grant of divorce on the ground of cruelty. The petition was dismissed on 08.01.2011 by the learned Additional District Judge, Patiala. Aggrieved against the same, he filed the present appeal (FAO No.75-M of 2011) in this Court.

During the pendency of the appeal, both the parties reached at a settlement in the Mediation Centre on 06.08.2012 (Ex.C1). In consequence of the said settlement, they filed a joint petition under Section 13-B of the Act seeking dissolution of their marriage by a decree of divorce by mutual consent. It was agreed that the appellant shall pay an amount of Rs.35 lacs to the respondent and the minor son of the parties namely Gurkirat Singh towards lump-sum maintenance. An amount of Rs.17.50 lacs was paid and the balance amount of Rs.17.50 lacs by way of bank draft was deposited in this Court. The affidavits of the parties in the first

motion were tendered on 28.08.2012 and the case was adjourned for today for second motion. The statements of both the parties have been recorded on the second motion. They have stated that they cannot pull on together as there were differences between them. Therefore, their marriage be dissolved by a decree of divorce by mutual consent.

We have heard learned counsel for the parties and with their assistance gone through the record. Both the learned counsel for the respective parties submit that the marriage between the parties be dissolved by a decree of divorce by mutual consent. The parties have stated that they wanted divorce; besides, they have submitted that they cannot pull on together in their matrimonial life. On both the motions, the parties have stated that they want divorce by mutual consent. Two bank drafts for an amount of Rs.8.75 lacs each lying deposited in the Registry of this Court were requisitioned and have been handed over to the respondent-Jeevan Jyoti Kaur which have been accepted by her as full and final settlement.

In the aforesaid facts and circumstances, the appeal filed by the appellant is accordingly dismissed as infructuous. The joint petition filed by the parties under Section 13-B of the Act is allowed and the marriage between the parties is dissolved by a decree of divorce by mutual consent. The parties shall remain bound by the terms and conditions of the compromise dated 06.08.2012 (Ex.C1).

Decree-sheet be drawn accordingly.

(S. S. Saron)
Judge

(S.P. Bangarh)
Judge

01.03.2013
A.Kaundal