

(2011) 03 P&H CK 0793

High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 33-M of 1999 (O and M)

Minakshi

APPELLANT

Vs

Ranbir Singh

RESPONDENT

Date of Decision: March 16, 2011

Acts Referred:

- Hindu Marriage Act, 1955 - Section 13, 13B

Citation: (2011) 6 RCR(Civil) 99

Hon'ble Judges: Rajesh Bindal, J

Bench: Single Bench

Judgement

Rajesh Bindal, J.

Challenge in the present appeal by the wife is to the judgment and decree of the learned court below whereby petition filed by the Respondent u/s 13 of the Hindu Marriage Act, 1955 (for short, "the Act"), for dissolution of marriage by way of decree of divorce was allowed. During the pendency of the appeal, the same was amended and converted into a petition u/s 13-B of the Act for divorce by mutual consent.

2. Briefly, the facts of the case are that the marriage of the parties was solemnised as per Hindu rites on 8.2.1987 at Ludhiana. Two daughters namely, Shilpa and Rippa were born out of the wedlock. Now Shilpa is only alive, who is married and residing with her husband. Due to temperamental differences, the parties could not pull on together. They are living separate since 1990. Petition filed by the husband for dissolution of marriage by way of decree of divorce u/s 13 of the Act was allowed by the learned Additional District Judge, Ludhiana, on 22.1.1999. Thereafter, the wife filed the present appeal before this Court.

3. During the pendency of the appeal before this Court, the matter was compromised. A sum of Rs. 21,00,000/- was settled as permanent alimony towards past, present and future maintenance for the wife, which the husband had deposited in the name of the wife with the State Bank of Patiala, High Court Branch,

Chandigarh.

4. Today both the parties were present in person in court. They have been identified by their respective counsels. Their joint statement with regard to the settlement, which has been recorded separately today, is extracted as under:

Our marriage was solemnised as per Hindu rites on 8.2.1987 at Ludhiana. Out of our wedlock two daughters, namely, Shilpa and Rippa were born and now Shilpa is only alive. Shilpa, who is married, is now residing with her husband. Due to the temperamental differences, we could not live together. We are living separate since 1990. Number of efforts made for reconciliation failed. Petition filed by the husband before the Additional District Judge, Ludhiana, u/s 13 of the Hindu Marriage Act, for dissolution of marriage was allowed on 22.1.1999. During the pendency of appeal filed by the wife, the matter in dispute was compromised. As per compromise, the parties decided to part ways. The husband had deposited a sum of Rs. 21,00,000/- towards the permanent alimony in the name of the wife with State Bank of Patiala, High Court Branch, Chandigarh. The wife shall be entitled to withdraw that amount. All the cases filed by us against each other and our family members arising out of the matrimonial dispute have already been disposed of as settled. We will not indulge each other or their family members in any other litigation in future relating to the matrimonial dispute.

We have no objection if a decree of divorce by way of mutual consent is passed.

5. The parties have settled their disputes amicably and got their statement recorded to this effect, which was not found to be under any pressure or coercion. All the cases filed by the parties against each other and their family members arising out of the matrimonial dispute have already been disposed of as settled. As per compromise, the parties decided to part ways. The wife is entitled to withdraw Rs. 21,00,000/- deposited by the husband towards the permanent alimony in the name of the wife with State Bank of Patiala, High Court Branch, Chandigarh.

6. Considering the aforesaid facts and finding the statement to be bonafide, a decree of divorce by way of mutual consent is passed, dissolving the marriage of Minakshi daughter of Shri Girdhari Lal and Ranbir Singh son of Shri Ram Dass Aggarwal. The judgment of learned Court below is modified to the extent mentioned above.

7. The appeal stands disposed of accordingly. Decree sheet be prepared.