

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:080797-DB



FAO No. 2288 of 2025 (O&M)
Date of decision:08th July, 2025

Mukesh Kumar

..Appellant

Versus

Sonia Bharti

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Parminder Singh, Advocate for the appellant.

ANIL KSHETARPAL, J(Oral)

1. The appellant filed a petition under Section 13 of the Hindu Marriage Act, 1955, for dissolution of marriage by granting a decree of divorce from the respondent. During its pendency the parties entered into a settlement on 18.05.2023 and made the following statement:

“We have amicably resolved our dispute and it is agreed that the parties shall file a joint petition for divorce u/s 13-B HMA within seven days. The petitioner-Mukesh Kumar shall pay a total amount of Rs.Twelve Lakhs as full and final settlement-cum-maintenance (inclusive of arrears in this case) and alimony for the respondent as well as maintenance for the minor child-Eeshaan Singh (aged about 5 years). The permanent care and custody of the minor child-Eeshaan Singh shall remain with the respondent-Smt. Sonia and the permanent care and custody of minor child-Tejasvi Singh shall remain with the petitioner-Mukesh Kumar. The instant petition as well as the petition bearing No.GW/10/2020 titled as “Mukesh Kumar vs. Sonia Bharti” and the petition bearing No.GW/52/2022 titled as “Sonia Bharti vs. Mukesh Kumar” shall be withdrawn today itself. Another petition under the Dv Act filed by Smt. Sonia shall also be withdrawn by her before the finalization of the petition u/s 13-B HMA. The petitioner shall hand-over the original birth certificate of minor-Eeshaan and the original dependant card of minor-Eeshaan to Smt. Sonia at the time of record of the joint statement of the parties on first motion. This petition be withdrawn accordingly.”

2. In view of the aforesaid statement, the petition was disposed of.

3. After 2-3 months of withdrawal, the appellant filed an application for revival which has been dismissed by the Court on the ground that the appellant is himself a defaulter and has failed to honour the terms of settlement.

4. Learned counsel representing the appellant while referring to assertion made in para-4 of the application filed for revival submits that the Court should have allowed his application. Para-4 of the application reads as under:

“That it is come to notice that from her villagers that she had got married without divorce and she is not living in her village from last 6-7 months and now living in kurukshetra where she is re-marriage. She is also not treated to Master Eeshaan Singh Ror whose suffering from HIE (Brain injury) neither studied to the child anywhere, hence child life and future not safe with her custody.”

5. This Court has considered the submissions.

6. Once the parties amicably resolved the dispute and agreed to file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 while appellant undertaking to pay Rs.12,00,000/- towards full and final settlement of the respondent's claim, who is also looking after the minor child, the appellant cannot be permitted to seek revival of the original petition without honouring the commitment made by him. However, if the appellant has any fresh ground, he may, if so advised seek appropriate remedy.

7. With these observations, this appeal is disposed of.

8. No separate order is required to be passed in application for condonation of 407 days in filing the appeal because the appeal has been decided on merits.

(ANIL KSHETARPAL)
JUDGE

08th July, 2025

(ROHIT KAPOOR)
JUDGE

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Whether speaking/reasoned : Yes/No\
Whether reportable : Yes/No