



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

**FAO-1634-2025 (O&M)
Date of Decision: 12.03.2025**

Pooja

.....Appellant

Versus

Yogesh Kumar

.....Respondent

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

Present:- Mr. Deepak Singh Saini, Advocate,
for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the judgment and decree dated 20.01.2025 passed by the Principal Judge, Family Court, Sonipat (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 26.11.2020 as per *Hindu* rites. Out of the said wedlock, one male child was 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 15.04.2022. 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 20.01.2025.

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. She has studied upto 12th standard. He has further contended that the appellant-wife does not understand the English language. The respondent-husband is a clever person and he had got signed the petition under Section 13-B of the Act and other documents in a deceitful manner by concealing true facts from her. At that time, she was informed that her signatures were required for making correction in the date of birth certificate of the minor son. Reposing trust upon the respondent-husband, the appellant-wife had signed all the documents. In fact, she was not ready and willing to file the divorce petition. It is further argued that the appellant-wife was not aware of the fact that custody of the minor child would be given to the respondent-husband. Learned

counsel for the appellant-wife has further argued that at the time of recording of first and second motion statements before the learned Family Court, the appellant-wife was not aware of the Court proceedings.

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. The appellant had received Rs.2,00,000/- from the respondent-husband towards permanent alimony at the

time of recording of second motion statement. It was also agreed that the minor child would remain in the custody of the respondent-husband. 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. In view of the above, the present appeal is dismissed. However, liberty is granted to the appellant-wife to move an appropriate application before the learned Family Court for rederssal of her grievance, if so advised.

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

**(SUDHIR SINGH)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

12.03.2025

Ajay Prasher

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