



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

FAO-4328-2025 (O&M)
Date of Decision:- 06.08.2025

Rajiv alias Raj Bhushan ... Appellant

Versus

Khushbu ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present:- Mr. Kamal Kumar Mor, Advocate, for the appellant.

GURVINDER SINGH GILL, J. (Oral)

1. The appellant assails order dated 28.03.2025 vide which a petition filed by him as well as his wife (respondent) under the provisions of Section 13-B of Hindu Marriage Act, 1955 has been dismissed.
2. In the instant case, while the appellant had paid an amount of Rs.3 lakhs to the respondent at the time of recording statements in the first motion, but subsequently when the matter was taken up for recording statements on the second motion, respondent/wife withdrew her consent. It may here be mentioned that the remaining agreed amount of Rs.4,50,000/- was also yet to be paid.
3. Learned counsel for the appellant submitted that once the statements in the first motion have been recorded and the appellant had also made part payment, the respondent/wife could not withdraw her consent and that too when she has not even returned the amount in question.
4. We have heard the learned counsel for the appellant.



5. The provisions for grant of divorce by mutual consent proceeds on the premises of two consenting parties i.e. the husband and wife. It is for this very purpose that the law provides that a cooling period of six months be afforded to the parties after recording statements at the time of first motion so as to enable them to ponder and think over the matter before making a final statement. The respondent having chosen to withdraw her consent, she cannot be forced to give her consent.
6. It needs to be mentioned that the Family Court while declining the petition has categorically observed that the appellant would be at liberty to take necessary steps for recovery of amount of Rs.3 lakhs, which had been paid at the time of recording statements at the time of first motion.
7. We do not find any infirmity in the impugned order. Finding no merit in the appeal, the same is hereby dismissed.
8. Needless to mention that the appellant would be at liberty to file a petition under Section 13 of the Hindu Marriage Act and/or to file a fresh petition under Section 13-B of Hindu Marriage Act, if at any later stage both the parties are consenting for a divorce by way of mutual consent.

**(GURVINDER SINGH GILL)
JUDGE**

**(DEEPINDER SINGH NALWA)
JUDGE**

06.08.2025
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Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No