

*FAO-7773-2017*

-1-

244

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

FAO-7773-2017

Date of decision: 01.05.2025

SURENDER

...Appellant

Versus

NEELAM

...Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Monika Khatri, Advocate for
Mr. Vivek Khatri, Advocate for the appellant.

Mr. D.K. Tuteja, Advocate for the respondent.

SURESHWAR THAKUR, J. (ORAL)

CM-8648-CII-2025 & CM-8649-CII-2025

1. The instant application has been filed under Order 6 Rule 17 read with Section 151 CPC for conversion and amendment of petition filed under Section 13 of Hindu Marriage Act, into a petition under Section 13-B of the Hindu Marriage Act, thus for granting divorce by passing a decree of mutual consent.

2. For good and valid reasons recorded in the application, besides in view of the compromise/settlement arrived at between the parties, before the Mediator working at the Mediation and Conciliation Centre of this Court, this Court allows the instant application and accordingly converts the Hindu Marriage petition cast under Section 13 of Hindu Marriage Act, thus into a petition under Section 13-B of the Hindu Marriage Act.



FAO-7773-2017

-2-

3. Amended petition is taken on record.

FAO-7773-2017

1. The instant appeal is directed against the declining decree, which was passed by the learned Family Court concerned, upon Hindu Marriage petition bearing HMA No.91 of 2017. The said petition was instituted by the appellant herein, wherein, he claimed the making of a decree, thus segregating his marital ties, with his spouse one Neelam, thus on the ground of desertion and cruelty.

2. However, during the pendency of the instant appeal before this Court, an amicable settlement, has occurred amongst the parties at lis before the Mediation and Conciliation of this Court. Consequently, they have made a joint petition before this Court under Order 6 Rule 17 read with Section 151 of the C.P.C., whereby they seek the amendment of the Hindu Marriage petition cast under Section 13 of Hindu Marriage Act, into a petition cast under Section 13-B of the Hindu Marriage Act. As such, they claim that their marital ties, be annulled through a decree of mutual consent, becoming passed by this Court. Both the appellant and the respondent have made their respective testifications on oath, and, the same are reproduced hereinafter.

“Statement of Neelam (wife of Surender) daughter of Shri Ram Kumar, resident of Sisai Kalirawan, Tehsil Hansi, District Hisar, now posted as Spy in Haryana Police posted at Police Lines Rohtak, District Rohtak.

On S.A.

Stated that I have seen the original settlement entered between me and my husband before the Mediator working at the Mediation and Conciliation Centre of this Court, to the said agreement Exhibit P-1 be made. I have seen my signatures on the said settlement Ex.P1, exist in circle A on each of the pages of Exhibit P-1. I pray that in terms of the settlement, the contested Hindu Marriage Petition whereons the declining decree was passed, an application has been filed under Order 6 Rule 17 CPC in the instant appeal converting the said contesting Hindu Marriage Petition into a petition cast under



Section 13-B of the Hindu Marriage Act. The amended petition is also filed. Therefore, I pray that after allowing the said conversion, in terms of the settlement compromise Exhibit P-1. I also pray that the statutory period of 6 months commencing from today upto 6 months hereafter for both myself and my spouse for appearing before this Court for making a second motion statement be waived off. Subsequently, the decree for segregating our marital union through mutual consent, be rendered as such by this Court. Today, I have received in Court a demand draft bearing No.140793 dated 02.04.2025 amounting to Rs.5 lakh, drawn at Haryana Gramin Bank, Branch Sorkhi, Hisar.

Statement of Surender daughter of Shri Karan Singh, resident of House No.169, Block D, Extension Gali No.3, Nangloi Delhi, now at present resident of Village Sorakhi, Tehsil Hansi, District Hisar.

On S.A.

Stated that I have heard the statement of my wife namely Neelam. I agree with the contents thereof. I have seen my signatures on the said settlement Ex.P1, exist in circle B on each of the pages of Exhibit P-1. Moreover, I also request this Court to, after converting the Hindu Marriage petition into a petition under Section 13-B of the Hindu Marriage Act to subsequently annul our marital ties through a decree of mutual consent becoming passed by this Court. I also pray that as stated by my wife since there is a complete breakdown to our marital ties, there is no chance of our cohabitation, therefore, this Court be pleased to waive the statutory period of 6 months commencing from today upto the making of second motion statement. Today, I have handed over, in Court a demand draft bearing No.140793 dated 02.04.2025 amounting to Rs.5 lakh, drawn at Haryana Gramin Bank, Branch Sorkhi, Hisar, to my wife, a copy whereof is placed on file.”

3. In terms of the said made statements before this Court, they claim the conversion of Hindu Marriage petition into a petition under Section 13-B of the Hindu Marriage Act, conversion whereof has been allowed.

4. In addition, this Court also in terms of the statement proceeds to annul their marital ties through the passing of a decree of mutual consent. All other terms and conditions as occur in the respectively made statements, on oath shall be abided by the parties at contest.



FAO-7773-2017

-4-

5. In view of the fact that the parties are living separately since long, thus this Court is also pleased to waive the statutory period of 6 months commencing from today upto the making of the second motion statement.

6. Consequently, the present appeal is accordingly disposed of and a decree sheet be drawn in terms of the statement made by the parties at lis, besides in terms of the settlement arrived at before the Mediator working at the Mediation and Conciliation Centre of this Court. The Registry is directed to prepare the decree sheet accordingly. The statements of the parties and the settlement/compromise be made part of the decree sheet.

7. Pending miscellaneous application(s), if any, stand(s), disposed of.

**(SURESHWAR THAKUR)
JUDGE**

01.05.2025

Ithlesh

**(VIKAS SURI)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable: Yes/No**