

Punjab-Haryana High Court

Anil Kumar vs Suman on 17 July, 1996

Equivalent citations: (1996) 114 PLR 422

Author: G G Bedi

Bench: G Garg, H Bedi

ORDER G.C. Garg and H.S. Bedi, JJ.

1. Counsel for the appellant has made available a typed copy of paper book of F.A.O. No. 60-M of 1994 (Anil Kumar v. Suman) as the original paper book has been destroyed in fire.
2. After hearing counsel for the parties, the paper book made available by counsel for the appellant is ordered to be treated as original paper book on re-construction.
3. Appellant herein filed a petition Under Section 12 of the Hindu Marriage Act against his wife, respondent herein for annulment of marriage which was dismissed and aggrieved thereby he has filed the present appeal. Now the parties have filed Civil Misc. No. 7458-C/II of 1996 along with a petition Under Section 13-B of the Act duly signed by them and their counsel for amendment of petition Under Section 12 to the one Under Section 13-B of the Act and prayed for dissolution of marriage by a decree of divorce by mutual consent.
4. After hearing counsel for the parties, Civil Misc. is allowed as prayed and petition Under Section 12 of the Act is converted into a petition Under Section 13-B of the Act.
5. Statements of the parties have been recorded separately in Court today. They have stated that they have not been living together as husband and wife and they have not been able to live together since August 1992. The parties have prayed that marriage between them be dissolved by a decree of divorce by mutual consent. The respondent wife has been paid a sum of Rs. 1,25,000/- by the appellant in Court today in the shape of bank draft on account of price of dowry articles and permanent alimony and she has also received in cash a sum of Rs. 3900/- due upto date on account of maintenance pendente lite. No child was born as a result of this wedlock. From the statements of the parties, it is quite clear that they were married according to Hindu rites in the year 1992 and they lived as husband and wife for only 20 days. From their statements, we are further satisfied that the parties have not lived together since August, 1992 and it is not possible for them to pull on as husband and wife any longer. We are also satisfied that the petition Under Section 13-B of the Act is duly signed by the parties and the same has been moved by them of their own free will. Thus, keeping in view the above circumstances, no useful purpose would be served by keeping the petition pending for six months as required Under Section 13-B(2) of the Act. We thus, accept the petition Under Section 13-B and dissolve the marriage between the parties by a decree of divorce by mutual consent by waiving the statutory period of six months. The respondent-wife is left with no claim whatsoever against her husband the appellant herein. No costs.
6. Appeal and Civil Misc. 7457/C.II of 1996 are hereby disposed of accordingly.