

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 452 OF 2018

(Arising out of S.L.P. (Civil) No.18046 OF 2013)

HARJINDER SINGH .. APPELLANT(S)

Versus

RAJPAL .. RESPONDENT(S)

J U D G M E N TKURIAN J.

Leave granted.

1. Heard learned counsel for the parties.
2. The High Court confirmed the order passed by the Additional District Judge, Jalandhar dated 8th September, 2008 and declined to grant decree of divorce on the ground of cruelty and desertion. When the matter reached before us on 01.12.2017, we had the assistance of Advocate Dr.(Mrs.) Vipin Gupta on whose suggestion and with the consent of the parties, they were directed to stay together for a while to see whether the disputes could be amicably patched up.
3. Today the parties have reported before us that it is not possible for them to live together. However, we may painfully record one fact that their only son in his late teens ended his life around a year back and that was one

reason for an afterthought for reunion.

4. Mr. Nidhesh Gupta, learned senior counsel, who graciously accepted our request to mediate, after interacting with the parties and their counsel and the relatives who have come with the parties, reported that the parties have reached a compromise and the same is reduced to writing and duly signed by the parties and by their counsel. The said compromise is taken on record and the same shall become part of this judgment.

5. As per the compromise, the appellant has agreed to pay an amount of Rs.22 lakhs (Rupees Twenty Two Lakhs) in full and final settlement of the claims of the respondent-wife. We direct the appellant-husband to pay the first instalment of Rs.10 lakhs (Rupees Ten Lakhs) by depositing it in the account of the respondent-wife on or before 20th January, 2018. The name of the Bank and Account number will be furnished by the counsel for the respondent. The remaining amount of Rs.12 lakhs (Rupees Twelve Lakhs) shall be similarly deposited in the account of the respondent-wife on or before 20th April, 2018.

6. The parties have also filed a petition under Section 13(B) of the Hindu Marriage Act, 1955 seeking decree of divorce by mutual consent. The parties are before us and

we have interacted with them. Having regard to the fact that the parties have been litigating and living separately for around two decades, we are convinced that the parties have taken a free and conscious decision. In the background of the long separation and the long pending litigation, we are of the view that the further period of waiting should be dispensed with. Ordered accordingly.

7. The marriage between the appellant Harjinder Singh and respondent Rajpal is dissolved by the decree of divorce by mutual consent. The case filed by the respondent-wife for maintenance, pending before the J.M.C. Jalandhar, shall stand dismissed as withdrawn.

8. Accordingly, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[AMITAVA ROY]

NEW DELHI,
JANUARY 17, 2018.

ITEM NO.4

COURT NO.5

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 18046/2013

(Arising out of impugned final judgment and order dated 21-12-2012 in FAO No. 16/2009 passed by the High Court Of Punjab & Haryana At Chandigarh)

HARJINDER SINGH

Petitioner(s)

VERSUS

RAJPAL

Respondent(s)

([TO BE TAKEN UP AS FIRST ITEM])

Date : 17-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROY

Mediator Mr. Nidhesh Gupta, Sr.Adv.

For Petitioner(s) Mr. Subhro Sanyal, AOR

For Respondent(s) Mr. Ritesh Pandey, Adv.
Mr. Deepak Mehra, Adv.
Mr. Nitin Kumar Thakur, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed judgment.

(USHA RANI BHARDWAJ)
AR CUM PS

(RENU DIWAN)
ASST.REGISTRAR

The signed non-reportable judgment is placed on the file.

Note:- The petition under Section 13(B) of the Hindu Marriage Act (in original) signed by both the parties is annexed with this record of proceeding.