

Court No. - 39

Case :- FIRST APPEAL No. - 102 of 2021

Appellant :- Smt. Lovely

Respondent :- Narottam Raj

Counsel for Appellant :- Shakil Ahmad

Counsel for Respondent :- Sanjay Kr. Srivastava

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Shakil Ahmad, learned counsel for the appellant and Sri Sanjay Kumar Srivastava, learned counsel for the respondent.
2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984, arising from the judgement and order dated 10.12.2020 and 18.12.2020 passed by learned Additional Principal Judge, Family Court No. 2, Meerut District Meerut in Case No.1997 of 2017 (Narottam Raj vs. Smt. Lovely). By that order, the learned court below has dissolved the marriage between the parties.
3. Initially, the appeal was filed with some defects. However, those were removed and regular number has been allotted.
4. During pendency of the appeal proceedings, parties have been able to resolve their dispute outside the court such that vide little settlement deed dated 19.8.2023, it has been agreed between parties, subject to payment of Rs.8 lacs (in all) by the respondent to the appellant and further subject to withdrawal of criminal cases filed by both parties against the other, the marriage between parties may remain dissolved. Further, terms have been agreed as to the custody of the two girl children born to the parties that has been

given over to the respondent. In fact girls are in the custody of the respondent from before.

5. The original settlement deed dated 19.08.2023, executed by the parties has been brought on record by means of the supplementary rejoinder affidavit filed by the appellant. The above noted facts are admitted to the respondent through the supplementary counter affidavit filed today. It has also been taken on record.

6. Accordingly, the appeal is decided in terms of the settlement deed dated 19.08.2023 annexed to the supplementary rejoinder affidavit dated 18.10.23 (paper no. 12 of 23) with further stipulation that the appellant shall have visitation rights to visit her two daughters who shall remain in the custody of the respondent. In the first place such visitation rights may be allowed as per the mutual convenience of the parties to the dispute.

7. Accordingly, it has been jointly proposed by the parties that the appellant may visit and meet her minor children on every second Saturday beginning December, 2023, such that, the respondent may communicate to the appellant the location, namely, near Ambedkar Park, Kutchery, Meerut or any other place as the children may suggest, on the preceding Friday, so as to allow the respondent to meet her daughters at such place at 01:00 p.m. The respondent undertakes to ensure that the girls are present on such location at 01:00 p.m. on every second Saturday as may allow the appellant the company of her daughters from 01:00 p.m. to 05:00 p.m., without taking the daughters out of the agreed premises. At the end of the time i.e. 05:00 p.m., the appellant undertakes to hand over her daughters in the care of the respondent, at such premises itself.

8. This appeal is disposed of with the observations made herein above.

Order Date :- 24.11.2023

Manoj

(Shiv Shanker Prasad,J.)

(Saumitra Dayal Singh,J)