

Court No. - 39

Case :- FIRST APPEAL No. - 1335 of 2023

Appellant :- Smt. Alka

Respondent :- Abhay Pal Singh

Counsel for Appellant :- Krishna Kant Dubey, Santosh Kumar Dubey

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. On oral prayer, learned counsel for the appellant is permitted to amend the prayer clause, during the course of the day.
2. Thus, the present appeal is primarily directed against the order dated 16.03.2023 passed by the Principal Judge, Family Court, Bulandshahr in Matrimonial Case No. 1609 of 2022 (Smt. Alka Vs. Abhaypal Singh). By that order, the learned court below has directed the appellant to refund Rs. 1 lakh that was paid to her in cash by Abhaypal pursuant to joint petition for dissolution of marriage filed by the parties.
3. Upon hearing, learned counsel for the appellant and from perusal of record, it is undisputed, the appellant was paid Rs. 1 lakh in cash towards settlement reached between the parties. Later, the appellant withdrew her consent to the dissolution of marriage. Accordingly, the learned court below has directed the appellant to refund the money Rs. 1 lakh that was paid to her in cash.
4. Perusal of the impugned order reveals, the appellant had given her consent to refund that money.
5. In view of such fact, no room exist to entertain the present appeal or offer any interference on merits. At this stage, learned counsel for the appellant states, the appellant would refund the amount of Rs. 1 lakh to the respondent within a period of one month from today i.e. not later than 15.01.2024.

6. Upon such statement, the present appeal proceeding is thus **consigned** with the observation, subject to the appellant complying with the undertaking given to this Court, the recovery proceedings may remain in abeyance till 15.01.2024.

Order Date :- 12.12.2023

Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)