

Court No. - 1

Case :- FIRST APPEAL No. - 87 of 2022

Appellant :- Sanjeev Kumar Singh

Respondent :- Archana Kumari

Counsel for Appellant :- Amit Kumar Singh, Surendra Pratap Singh

Counsel for Respondent :- Virendra Mishra

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Learned counsel for both the parties are present.
2. It is submitted that the matrimonial dispute was referred to the Mediation and Conciliation Centre of this Court by order dated 04.10.2023. Pursuant to the order passed by this Court, the mediation proceedings commenced and have been successful. The mediation report is placed on record.
3. Both the parties have participated in the medication proceedings in presence of learned counsel appearing for them. The disputes have been settled in terms of the MoU arrived on 06.11.2023 which is duly signed by both the parties, learned counsel and mediators. All pending proceedings or future have been settled in terms of para- 6(E) to 6(G) of the settlement whereas the divorce proceedings under Section 13 of the Hindu Marriage Act, 1955 have been compromised in para 6(A) to 6(D). Para 6(A) to 6(D) of the settlement reads as under:

"6-A. That both the parties namely Sanjeev Kumar Singh (husband) and Archana Kumari (wife) have mutually agreed to dissolve their marriage

and to live separately in future. For the purpose of dissolution of their marriage the parties have agreed that they shall have no objection if the Hon'ble Court decides the FIRST APPEAL No.87 of 2022 (Sanjeev Kumar Singh Vs. Archana Kumari) and sets-aside the judgment and decree dated 16.08.2022 passed by the Principal Judge, Family Court, Sultanpur in Original Suit No.527 of 2017 (Sanjeev Kumar Singh Vs. Archana Kumari) U/S 13 Hindu Marriage Act, 1955 and passes an order to the effect that the marriage of the parties may be dissolved and a suit may be decreed. Both the parties herein undertake to co-operate each other to obtain a decree of divorce in terms of this settlement at the earliest.

B. That the First Party agreed to pay Rs.23,00,000/- (Twenty Three Lacs) to the Second Party towards one time full and final settlement of all the claims of the Second Party including the claim for permanent alimony and marriage expenses against the First Party. The Second Party agreed to receive the said amount from the First Party towards one time full and final settlement of all the claims including the claim for permanent alimony.

C. That aforementioned entire amount Rs.23,00,000/- (Twenty Three Lacs) has been handed over by the First Party to the Second Party today i.e. 06.11.2023 vide a Demand Draft No. 275798 dated 03.11.2023 drawn on State Bank of India, Branch at Naini, Allahabad. The Second Party acknowledges the receipt of said Demand Draft.

D. That the Second Party has agreed that she shall have no objection if the FIRST APPEAL No. 87 of 2022 (Sanjeev Kumar Singh Vs. Archana Kumari) is allowed by the Hon'ble Court and passes an order to the effect that the marriage of the parties may be dissolved and a suit may be decreed."

4. The impugned judgment rendered by the Trial Court rejecting the Divorce Petition is, accordingly, set aside and the appeal is **allowed** in terms of above. The marriage between the parties is dissolved and a compromise decree is accordingly granted in terms of the settlement dated 06.11.2023 which shall

form part of this order.

5. Parties shall be bound by the settlement in terms of Para-6(H) as they have adjourned to participate the mediation proceedings freely and without any undue influence by any one of them. Cost is made easy.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 24.11.2023
Shubhankar