

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2409 of 2015

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1. Vivek Ranjan son of Sri Beni Prasad Singh R/o village - Pkhar Bhinda,
P.S. Sahiyara, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Renu Kumari d/o Vikramaditya Singh, at present residing at village
Matiar P.S. Shahiyara District Sitamarahi.

.... Opposite Party/s

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with

Criminal Miscellaneous No.45569 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- SITAMARHI

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1. Renu Kumari Daughter of Sri Vikramaditya Singh, A.D.M. Saheb,
Resident of Mohalla - Gayatri Palace, Singh Colony Near R. Jha College,
Ward No. 19, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Viveka Ranjan Son of Sri Beni Prasad Singh Resident of village -
Pokhar Bhinda, P.S. Sahiyara, District - Sitamarhi

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.2409 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv
For the State : Mrs. Suman Kumari Singh (App)
For the O.P. No. 2 : Mr. Ajay Kumar Singh No. 1, Adv

(In Cr.Misc. No.45569 of 2015)

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv
For State : Mr. Sanjay Kr. Singh(App)
For the O.P. No. 2 : Mr. Ajay Kumar Singh No. 1, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 06-11-2015 Heard learned counsel for the parties.

The husband and wife are at loggerheads for not



only several years but in fact for decades. The husband is now a retired Army Personnel and he is only receiving pension since, his date of retirement i.e. 01.11.2014. The wife-Opposite Party No. 2, has filed an application complaining that the undertaking given by the husband in this Court on payment of Rs. 7000/- per month, has not been carried out in the sense that after the retirement of the petitioner from Armed Force service, the amount fixed by this Court of Rs. 7000/- per month, which she was getting from the authorities and monthly salary was stopped on account of retirement of the petitioner. The wife-Opposite Party No. 2, has a further grievance that there are further accumulated arrears of Rs. 3 lacs approximately and therefore, this petitioner should be directed to pay the amount of arrears as well as ensure payment of Rs. 7000/- per month for the present and future.

Mr. A.K. Jha, learned counsel appearing on behalf of the petitioner submits that not only the source of



income of the petitioner has shrunk but even otherwise, it would be impossible for the petitioner to carry out burden of payment of Rs. 7000/- per month for life long. As a matter of fact, Mr. Jha, on the last date has also offered that the petitioner would be interested in one time settlement by payment of lump sum amount so that he can also plan his future particularly when his father, dependent on him is suffering from cancer. Mr. Jha, has also submitted that the Wife-Opposite Party No. 2, has also not carried out the undertaking given before this Court as with regard to the withdrawal of her all pending cases against the petitioner and/or his family members as also filing petition for mutual divorce which was already agreed between the parties and recorded in the order of this Court.

Considering all these aspects, this Court on the last occasion had directed the parties to reconsider their stand and today both parties have agreed to settle their dispute and in the length of such mutually agreed terms and

conditions both the applications are disposed of with the following directions:-

(i) The petitioner shall pay sum of Rs. 9 lacs by a bank draft in the name of opposite party no. 2, Renu Kumari within a period of two months from today which shall include both the amount of the earlier arrears as also the amount for maintenance of the Opposite Party No. 2, in future.

(ii) Such payment, however, will be made to the Opposite Party No. 2 by the petitioner only after she files application to withdraw all the cases filed by her against the petitioner and/or his family members.

(iii) The concerned Court below on such application (s) filed by the Wife-Opposite Party No. 2, to withdraw her cases against the petitioner and/or his family members shall pass appropriate order within a period of 15 days of the filing of such application(s) by the opposite party no. 2.

(iv) Upon payment of Rs. 9 lacs by the petitioner

by a bank draft in the name of Wife-Opposite Party No. 2, the prayer for mutual divorce of the petitioner with Wife-Opposite Party No. 2, shall be considered and allowed within the shortest possible time by the concerned Family Court as permissible in law.

(v) In the event the petitioner shall not pay the aforesaid amount of Rs. 9 lacs to his wife Opposite Party No. 2 within a period of two months from today, his further payment of pension by the competent authorities of the Armed Forces shall remain stayed till payment of such amount by the petitioner and from such withheld amount of the pension of the petitioner, Wife-Opposite Party No. 2 shall be kept on being paid the entire amount of pension payable to the petitioner so as to square up the amount of Rs. 9 lacs.

With the aforementioned observation and direction, both these applications are disposed of.

(Mihir Kumar Jha, J)

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