

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.623 of 2011

Upendra Rai son of Chedi Rai, Resident of Mohalla-Gudri Bazar Chowni, P.O.-
Chapra, P.S.-Bhagwan Bazar, Distt-Chapra(Saran)

.... Appellant/s

Versus

Suganti Devi@ Sumanti Devi@ Gangajal W/O Upendra Rai and D/O Ramayan
Rai R/O Vill-Bara Telpa, P.O.-Chapra, P.S.-Chapra Town, Distt-Chapra (Saran)

.... Respondent/s

Appearance :

For the Appellant/s : Dr. Alok Kumar Sinha, Advocate
Mrs. Raj Rashmi Sinha, Advocate
For the Respondent/s : Mr. Narendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 21-05-2015

In the light of our order dated 01.05.2015, appellant,
respondent, their daughter Kajal and mother of the appellant are
present.

2. It is mutually agreed by the appellant and the
respondent to dissolve their marriage and the impugned judgment and
decree dated 13.06.2011 passed by Principal Judge, Family Court,
Saran at Chapra in Matrimonial Case No. 142 of 2003 is set aside
directing the Registry of this Court to prepare a decree for divorce
dissolving the marriage of the appellant with the sole respondent. It
has also been mutually agreed that the girl child, Kajal shall reside



with her father and paternal grandmother. It is further agreed by the appellant and his mother that they shall look after the well being of Kajal and shall ensure that she is not only properly fed, but also educated and allowed to mature in a conducive atmosphere. It is also agreed by the appellant and his mother that Kajal will not be forced to do any household chores except the one which she will volunteer to do. Respondent shall be at liberty to visit Kajal as and when she desires. Appellant has also agreed to respond to the request of the respondent to make Kajal available to her for short visitation at reasonable interval.

3. In view of the aforesaid agreement, parties have agreed not to pursue the proceedings arising out of Complaint Case No. 2686 of 2015, Trial No. 1225 of 2015 pending in the court of Sri P.K. Tiwary, Judicial Magistrate 1st Class, Chapra, Saran (Suganti Devi Vrs. Upendra Rai) and Complaint Case No. 880 of 2003, Trial No. 485 of 2015 pending in the Court of Sri B.K. Tiwary, Judicial Magistrate 1st Class, Chapra, Saran (Upendra Rai Vrs. Suganti Devi & others), which are, accordingly, quashed.

4. The appeal is, accordingly, disposed of in the aforesaid terms.

5. In case the parties violate any of the mutually agreed

terms, it shall be open to the other party to bring the same to the notice of this Court thereafter the party violating the terms of this order shall be taken to task by initiating contempt proceeding.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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