

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.580 of 2013

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Manju Devi wife of Hemant Kumar, daughter of Sri Ganga Ram Mahto,
resident of Mohan Math (Gopalpur), P.S. Kamtaul, district Darbhanga.

.... Respondent/Appellant

Versus

Hemant Kumar son of Sri Sitaram Singh, resident of Flat No. 04, Third
Floor, Plot No.818, Ward No.6 Jagannath Apartments, P.O. Mehrauli, New
Delhi-110030.

.... Applicant/Respondent

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Appearance :

For the Appellant/s : Mr. Md. Imteyaz Ahmad, Advocate

For the Respondent/s : Mr. Sushil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

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

Date: 13-05-2015

In the light of our order dated 11.05.2015, respondent-husband has paid Rs. 10,000/- to the appellant for the well being of their two minor daughters.

2. With the consent of the parties, we maintain the decree for divorce and the amount of alimony allowed to the appellant under judgment dated 06.07.2013 passed by Principal Judge, Family Court, Darbhanga in Matrimonial Suit No. 184 of 2012/ H.M.A. No. 588 of 2011, as respondent-husband has agreed to provide the appellant and her two daughters the residence in his village by taking a suitable accommodation on rent with adequate security, amenities in the



vicinity of his residence. Respondent has produced photographs of the accommodation provided to the appellant which is on the first floor of the building and the entire first floor shall be in possession of the appellant. Respondent has also agreed to provide ration and other needs on monthly basis for his two daughters, including school fee, uniform and clothes etc. He will also meet the expenses incurred in the marriage of his two daughters. Besides taking care of the needs, respondent has also agreed to pay a sum of Rs. 2000/- per month in cash to the appellant to take care of the miscellaneous needs of his two daughters. The amount shall be increased by 10% every three years.

3. The amount of Rs. 6,00,000/- (Rs. Six lacs) paid to the appellant through bank draft as alimony is lying in the Court below be handed over to the respondent so that the draft may be revalidated and deposited in the bank account of the appellant by 15th June 2015 and invested in a Fixed Deposit. The interest earned over the amount can be withdrawn by the appellant to meet her needs. The fix deposit of Rs. 6,00,000/- (Rs. Six lacs) shall not be withdraw by the appellant until marriage of the elder daughter is fixed.

4. Respondent, appellant and their family members shall not interfere with the affairs of each other. However, respondent and his parents are at liberty to meet the two daughters of the respondent.

Family members of the appellant shall also be at liberty to meet the appellant and her two daughters. Appellant and her two daughters shall begin to reside in the aforesaid rented accommodation from 20.05.2015.

5. In the light of the aforesaid settlement, appellant has agreed not to pursue the proceeding arising out of Darbhanga Sadar P.S. Case No. 319 of 2011 registered for the offence under Section 498A of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act and Maintenance Case No. MR 156 of 2011 pending in the Court of Principal Judge, Family Court, Darbhanga, which are, accordingly, quashed.

6. The appeal stands disposed of in the aforesaid terms.

7. Parties are granted liberty to bring to our notice the violation of any of the aforesaid terms whereafter the party violating the terms shall be taken to task by initiating contempt of Court proceeding.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Arjun/-

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