

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 659 of 2010

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Soni Devi alias Binita Devi, Wife of Anil Kumar, resident of Ghosi, Gopalganj Bazar, Police Station- Ghosi, District- Jehanabad, daughter of Krishna Prasad, at present residing at Mohalla- North Nehru Nagar, Police Station- Patliputra, District- Patna.

.....Opposite Party in the Court below
.... Appellant/s

Versus

Anil Kumar Son of Bengali Prasad, resident of Village- Ghosi Gopalganj Bazar, Police Station- Ghosi, District- Jehanabad.

.....Applicant in the Court below
.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Narayan Mishra, Advocate
For the Respondent/s : Mr. Sanjay Kumar, 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: 25-03-2015

In the light of our order dated 18.03.2015 appellant along with her mother and two brothers and respondent along with his parents are present.

2. With the consent of the parties as also their counsel, this appeal is being disposed off on mutually agreed terms:-

(i) Respondent and his father shall pay a sum of Rs. 6,000/- per month for maintenance of the appellant by 5th of the following month and the maintenance amount shall be deposited in Canara Bank, Patliputra Branch, Patna bearing Account No. 2518101008633 of the brother of the appellant Shri Shiv Kumar. First payment in terms of the order shall be made

with effect from April, 2015. The amount payable in the light of this order shall be revised by Rs. 500/- every four years.

(ii) Respondent and his father also agreed to handover the following ornaments i.e. Earrings (Kaan ki bali), Necklace (Chain), Bangles, Maang Ka Tika and Silver Payal of the appellant to her brother Shri Shiv Kumar by September, 2015 in presence of Shri Manoj Kumar Tiwary, Additional District Judge, presently serving as Joint Secretary, Bihar State Legal Services Authority, who in presence of respondent/his father shall call Shri Shiv Kumar and after ascertaining the weight, purity of the ornaments, hand over the same to Shri Shiv Kumar, who will keep the ornaments in his custody in a separate packet or box and shall also make available for verification by the respondent or his father as and when they desire.

(iii) Respondent and his father also agreed to come to the residence of the appellant at Patna along with her two children on first Sunday of every month and allow the children to become familiar to their mother.

(iv) Appellant shall be provided Psychiatric treatment at Patna Medical College & Hospital or Mental Asylum, Koilwar and for such purpose she shall be taken to P.M.C.H. or Koilwar by a competent P.L.V. or Class-IV lady staff of the authority along with one of her family members.

(v) The authority shall also ensure that appellant is provided medical treatment and medicine for her ailment free of

cost by the hospital where she is treated.

3. The parties are at liberty to file Interlocutory Application informing us about violation of any of the terms of the order.

4. The appeal is disposed off in the aforesaid terms.

5. Before parting with this order, we observe that though respondent has violated the order of this Court and was liable to be punished, yet considering the fact that it is a matrimonial dispute and the parties have come to an amicable settlement, we have chosen not to punish the respondent.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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