

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.45 of 2012

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Smt. Ragini wife of Sameer @ Sameer Bhaskar Daughter of late Deo Nath Jha,
resident of Lal Bag Police Station – Darbhanga Town, District - Darbhanga at
present resident of village – Belari, P.S. Ujiyarpur, District - Samastipur

.... Opposite party/Appellant

Versus

Sri Sameer @ Sameer Bhaskar son of Sri Bhola Nath Bhattacharya resident of
Mohalla – Lalbag, P.S. – Darbhanga Town, District - Darbhanga

.... Petitioner/Respondent

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Appearance :

For the Appellant/s : Mr. Shashidhar Jha, Advocate

For the Respondent/s : Mr. Manish Jha, Advocate

Mr. Abhay Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

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

Date: 04-05-2015

Having perused I.A. No. 342 of 2012, we are
satisfied that appellant was prevented by sufficient cause in
not preferring the appeal within time.

2. In the circumstances, delay in filing the
present appeal is condoned and I.A. No. 342 of 2012 is
allowed.

3. In the light of our earlier orders, appellant,
Smt. Ragini, daughter of Late Deo Nath Jha has appeared.
Respondent has also appeared along with his father and
mother, Dr. Subha Jha, Associate Professor, Psychology
Department, M.R.M. College, Darbhanga.

4. It is agreed by the respondent through her mother, Dr. Subha Jha that a sum of Rs. 6,00,000/- (Rs. Six lacs) shall be paid to the appellant by way of alimony and final settlement in the light of impugned judgment and decree dated 05.10.2010 passed by Principal Judge, Family Court, Darbhanga in Matrimonial Case No. 24 of 2010 dissolving her marriage with respondent within six months.

5. Let the aforesaid amount be paid to the appellant by respondent and her mother, Dr. Subha Jha in three equal instalment of Rs. Two lacs each through account payee demand draft in the name of appellant, Smt. Ragini daughter of Late Deo Nath Jha. Once the demand draft is received in the court below, the same shall be handed over to the appellant by the Principal Judge, Family Court, Darbhanga himself and appellant shall deposit the amount in term deposit and shall lead her life from the interest earned over the said amount. As and when subsequent marriage of the appellant is finalized, it shall be open for her to withdraw half of the amount.

6. In the event, aforesaid amount is not deposited within the time indicated above, as agreed by the respondent and his mother, appellant shall be at liberty to file

interlocutory application requesting this Court to initiate proceeding for contempt against the respondent and his mother, Dr. Subha Jha.

7. The appeal is disposed of in the aforesaid terms.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

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