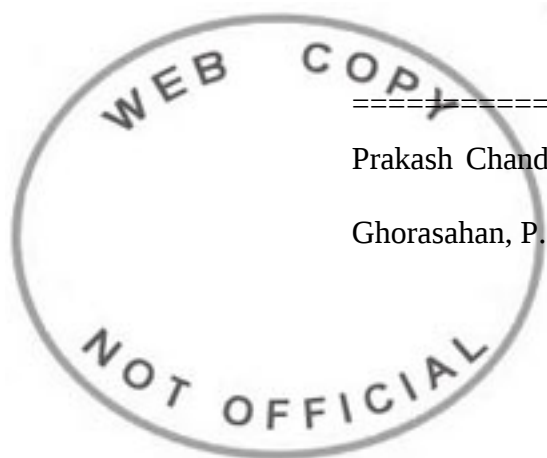




IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.733 of 2013

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Prakash Chandra Prasad S/O Late Devi Lal Prasad Resident of Village and P.O.
Ghorasahan, P.S. Ghorasahan, District East Champaran.

.... Applicant.... Appellant

Versus

1. Smt. Sumela Prasad W/O Prakash Chandra Prasad and D/O Sri Shree Ansh Prasad Resident Of Village Lohandi, P.O. Kukudha, P.S. Itadhi, District Buxar, At present residing at 34/496, Kailash Nagar, Near Cotton Mill, Tiwaripur, Jajmau, P.S. Chakeri, Town and District Kanpur, U.P.
2. Sri Shreeansh Prasad S/O Late Jagannath Prasad Resident Of Village Lohandi, P.O. Kukudha, P.S. Itadhi, District Buxar, At present residing at 34/496, Kailash Nagar, Near Cotton Mill, Tiwaripur, Jajmau, P.S. Chakeri, Town and District Kanpur, U.P.

.... Respondents.... Respondents

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Appearance :

For the Appellant : Mr. Laxmi Narayan Das with
Mr. Dharendra Narayan Malik, Advocates

For the Respondents : Mr. Anil Kumar Choudhary with
Mr. Anil Kumar Singh, Advocates

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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: 29-04-2015

In the light of our order dated 09.04.2015, appellant along with his eldest son and respondent no. 1 along with her daughter and youngest son have appeared and their counsel have also appeared and with their consent, we dispose off the appeal in the following terms:

Appellant has agreed to enhance the maintenance amount payable to the wife from Rs. 4800/- to Rs. 10,000/- but the enhanced amount shall be payable from the month of April, 2015. Appellant further states that the present arrangement as regards the custody of the children shall continue and the appellant as also respondent no. 1 shall be at liberty to meet the child living with them without any let or hindrance. The parties have agreed to visit each other during vacation so that the children living in the custody of the one will have the opportunity to become familiar with other. As and when respondent no. 1 visits the appellant either alone or with the two children and if there is any problem created she will approach the Chairman, District Legal Services Authority-cum-District

and Sessions Judge, Muzaffarpur or Motihari and the District and Sessions Judge shall make appropriate arrangement for her return to Kanpur as also for her general wellbeing.

The parties have also agreed not to press the following cases filed by either of them:-

- (i) Case No. 342 of 2010 filed by respondent no. 1 at Kanpur under Section 125 of the Code of Criminal Procedure.
- (ii) Case No. 2671 of 2012 filed by respondent no. 1 at Kanpur under Domestic Violence Act.
- (iii) Matrimonial Case No. 296 of 2014 filed by the appellant at Motihari seeking divorce.

In case any of the terms of this order is violated by any of the parties then it shall be open for the other party to invite our attention by filing Interlocutory Application with liberty to mention.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

Anjani/-

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