

Party Name : JADAV PAUL Vs SMT. PARAMITA NATH (PAUL) & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D.C. Roy, learned counsel appearing for the petitioner as well as Ms. S. Deb Gupta, learned counsel appearing for the respondents.

In terms of the order dated 07.05.2015 the respondent No. 1, namely, Smt Paramita Nath (Paul), wife of the petitioner has filed an affidavit stating inter alia that she does not want to proceed with any further legal action and by this time she has withdrawn the Misc (Exe) 255/14, arising out of Misc. Case No. 99/2013, pending before the Judge Family Court, Agartala, West Tripura. She has also stated that a petition under Section 13B of Hindu Marriage Act has been filed for a decree of divorce by mutual consent in the court of the Judge Family Court, Agartala, West Tripura being T.S (Mutual Divorce) No. 111/2015. As per terms of the settlement the said respondent shall receive a lump sum alimony of Rs. 10000/-. She has categorically asserted that she has no grievance or further claim against the petitioner.

This Court had directed both the petitioner and the respondent No. 1 in particular to appear before this Court in person. Having interacted with the petitioner and the respondent No. 1 this Court is satisfied that the settlement arrived between the parties does not suffer from vice of coercion or duress and it has been voluntarily arrived at. Having regard to this, the impugned order dated 10.01.2014 passed by the Judge, Family Court, Agartala, West Tripura is interfered with and the order of maintenance dated 10.01.2014, so far as it relates to the respondent No. 1 is set aside. However the petitioner shall continue to pay the sum of Rs. 1000/-(one thousand) to his daughter, namely, Jayita Nath as maintenance in terms of the impugned order dated 10.01.2014 delivered in Misc Case No. 99/13 by the Judge, Family Court, Agartala West Tripura and the amount be sent in the address of the respondent No. 1 as provided in the order dated 10.01.2014, without fail to avoid the legal consequences.

Accordingly, this petition stands disposed of.

Till any decision is taken by the Family Court or an other competent court as regards the right of visitation by the petitioner of his daughter as stated, the petitioner shall be allowed to visit his daughter once in a fortnight and the respondent No. 1 shall not, under any pretext, refrain the daughter from meeting her father, the petitioner herein.