

FAO-47-M-2004

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

FAO-47-M-2004

Date of decision : 15.12.2015

Meenakshi Gupta

... Appellant

Versus

Sandeep Gupta

... Respondent

***CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL***

Present: Mr.Hitesh Ghai, Advocate &
Ms.Ramneeq Kaur, Advocate
for the appellant.

Mr. Sumeet Goel, Advocate &
Mr.Sangram Singh, Advocate
for the respondent.

RAJIVE BHALLA, J.(ORAL)

The appellant Meenakshi Gupta challenges judgment and decree dated 20.02.2004 passed by the Additional District & Sessions Judge, Fast Track Court, Ambala dissolving her marriage with the respondent.

During pendency of the appeal, parties have with able assistance of their respective counsel, resolved this dispute and in furtherance thereof recorded separate statements on 14.12.2015. The statement made by the respondent reads as follows:-

“If the appellant withdraws the appeal and accept

the impugned judgment/decreed, he is ready to pay Rs.35.00 lakhs as permanent alimony and for education and marriage of their daughter, in such installments as this Court may determine.”

The statement made by the appellant reads as follows:-

“I have heard the statement made by Sandeep Gupta and accept the offer made by the respondent but it should be made clear that in case, he defaults in payment of installments, he shall not be entitled to any restitution of the amount so paid.”

Mr.Sandeep Gupta has brought a demand draft of ₹12 lacs which has been handed over to the appellant Smt.Meenakshi Gupta as agreed between the parties. The respondent has agreed that he shall pay the remaining amount of ₹23 lacs on or before 30.01.2016. In the eventuality of his failure to make payment as agreed, the appellant would be at liberty to seek revival of the appeal and the amount of ₹12 lacs paid in Court today shall not be refunded to the respondent.

In view of the agreement between the parties, the appeal is dismissed as withdrawn in the aforesaid terms.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

December 15, 2015.

Davinder Kumar