

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

FAO-M-122-2013(O&M)
Date of decision : 17.11.2015

Leena

... Appellant

Versus

Deepak Singla

... Respondent

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

Present: Mr.Inderjit Sharma, Advocate
for the appellant.

Mr. Ashish Aggarwal, Advocate
for the respondent.

RAJIVE BHALLA, J.(ORAL)

The appeal in hand arises from a decree of divorce passed by
the District Judge, Gurdaspur.

During pendency of the petition, parties have with the
assistance of their respective counsel resolved their disputes and filed
separate affidavits dated 02.11.2015. A relevant extract from the affidavit
filed by Leena, the appellant reads as follows:-

*“2. That the deponent/appellant is ready and willing
to compromise/settle the matter in this present appeal on
the ground of permanent alimony given to the appellant
along with her son namely Vatsal. Deponent/appellant
will withdraw the present appeal as per the
compromise / settlement before this Hon'ble Court on the
ground of permanent alimony of Rs.11 lac as settled*

between the deponent/appellant and respondent.

3. *That the deponent has filed application under Section 125 Cr.P.C. and deponent/appellant is ready to withdraw the same which is pending before the Court of Ld.JMIC, Gurdaspur and the same is fixed for 03.11.2015.*

4. *That the deponent will remain bound by the compromise and will not file any future civil or criminal cases against the respondent in this regard. The deponent will also not claim any future maintenance from the respondent. The deponent has also filed the criminal appeal against acquittal of respondent and his family members which is pending before this Hon'ble Court and she is also ready to withdraw the same as per compromise.*

5. *That the deponent will give the statement regarding the divorce and she will not object regarding the second marriage of the respondent. She will further withdraw the contempt petition pending before this Hon'ble Court.*

6. *That the deponent will remain bound this compromise/ settlement arrived and executed between the parties and the deponent will be bound by any other condition laid down by this Hon'ble Court regarding the settlement/ compromise."*

A relevant extract from the affidavit filed by Deepak Singla,
the respondent reads as follows:-

"2. That due to intervention of respectable and friends; both the parties enter into the compromise amicably and the respondent has agreed to give consideration amount

of Rs.11,00,000/- in two installments to the present appellant.

3. That it is also settled that appellant will withdraw all the cases which are pending in different courts against the respondent. The consideration amount is full and final payment qua appellant and son Vtsal, who will remain in the custody of appellant. Appellant will not claim any thing in future.

4. That respondent reserves his right to visit Vtsal once an month in an common place, as agreed by both.

5. That the deponent is today present in the court and he has given his affidavit with his freewill and without any pressure.

6. That both the parties are entering into this compromise with their own free will and without any pressure.”

We have heard counsel for the parties, perused their affidavits and interacted with them.

The appellant has agreed to withdraw the appeal on payment of ₹11 lacs as permanent alimony by the respondent. The appellant states that she shall withdraw the appeal but should be granted visitation rights to their daughter. The respondent states that it may be clarified that custody of the minor daughter will remain with him whereas he has no objection if custody of the minor son remains with Leena, the appellant. The appellant also states that the respondent may be directed to return her PAN, Voter card and passport. The respondent states that these documents are not with him.

A demand draft of ₹5 lacs towards part payment of permanent alimony has been handed over to the appellant. The remaining amount of ₹6 lacs be paid to the appellant, as agreed, by way of a demand draft within six months from today.

The appellant shall be entitled to seek revival of the appeal in case the remaining amount of ₹6 lacs is not paid. This apart in case the respondent does not pay the remaining amount of ₹6 lacs within six months, he shall not be entitled to restitution of ₹5 lacs paid in Court today. The custody and guardianship of the minor son of the parties shall remain with the appellant whereas the custody and guardianship of the minor daughter of the parties shall remain with the respondent. The appellant shall be entitled to visitation rights qua their minor daughter. The respondent Deepak Singla shall produce the minor daughter of the parties in the office of the Secretary, Legal Services Authority, Gurdaspur on first Saturday of each month from 2 p.m. to 4 p.m.

In view of what has been recorded above, the appeal is dismissed as withdrawn in the aforesaid terms. Decree sheet be drawn up accordingly.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

November 17, 2015.

Davinder Kumar