

In the High Court of Punjab and Haryana at Chandigarh

FAO-7457 of 2014(O&M)
Date of Decision: 28.9.2015

Joginder

---Appellant

versus

Savita

---Respondent

Coram: Hon'ble Mr. Justice Rajive Bhalla
Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Navneet Singh, Advocate
for the appellant

Mr. S.P.Khatri, Advocate
for the respondent

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rajive Bhalla, J.

The appellant filed a petition for divorce which was dismissed by the District and Sessions Judge, District Judge, Family Court, Sonipat.

During pendency of this appeal, parties were referred to Mediation where they resolved their differences by a settlement dated 14.7.2015. A relevant extract from the settlement reads as follows:-

“6. The following settlement has been arrived at between the parties hereto:

a)Both the parties have agreed to live together with their minor child master Dhruv-Son aged about 7 years at Joginder-

Husband's house.

b) Joginder-petitioner-husband will deposit Rs.40,000/- in shape of FDR in some nationalized bank in the name of his minor son-Dhruv.

c) Both the parties husband and wife will be nominee of their son against said FDR. Both of them will not withdraw the said amount till attain majority of Dhruv. The said FDR will be renewed by the bank time to time along with interest accrued thereon. Husband will keep his wife-Savita and Dhruv happily with love.

d) Joginder-husband will also provide all the essential items/needs to Savita-wife and minor son-Dhruv.

e) Joginder-husband will provide every necessary facilities to his wife and minor child. Wife-Savita will discharge her responsibilities as wife towards her husband and in-laws.

f) Both the parties have not complaint against each other and their respective in-laws and they will not file civil /criminal case against each other with regard their present dispute in any court or authority.

g) Both the parties agreed to withdraw their cases pending in any Court before 24.8.2015.

h) On 3 August 2015 husband will visit the house of his in-laws to bring his wife-Savita and minor child-Dhruv to his house i.e. Matrimonial home.”

A perusal of the settlement reveals that the parties have agreed

to live together as husband and wife. The appellant, Joginder Singh was required to prepare a fixed deposit in the name of minor Dhruv but has brought ₹40,000/- in cash.

Counsel for the appellant, on instructions from the appellant, who is present in Court, states that the appellant would prepare a fixed deposit in the name of minor son Dhruv as agreed and hand it over to the respondent within 15 days.

Counsel for the parties pray that in view of the settlement between the parties, the appeal may be dismissed as withdrawn.

In view of what has been recorded hereinabove, the appeal is dismissed as withdrawn with a direction to the appellant to prepare and hand over to the respondent a fixed deposit receipt of ₹40,000/- drawn in the name of the minor through the parents, within 15 days.

Counsel for the appellant is directed to place a copy of the fixed deposit receipt on record.

(Rajive Bhalla)
Judge

(Rekha Mittal)
Judge

28.9.2015

PARAMJIT