

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO NO.M-134 of 2014
Date of Order: 02.12.2015**

Jagdeep Singh

..Appellant

Versus

Balwinder Kaur

..Respondent

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

**Present: Mr. Chanchal K. Singla, Advocate
for the appellant.**

**Mr. Deepak Bhardwaj, Advocate,
for the respondent.**

RAJIVE BHALLA, J (Oral)

The appellant-husband challenges judgment and decree dated 10.1.2014, whereby the Additional District Judge, Patiala has granted a decree of divorce in a petition filed by the respondent-wife.

The matter was referred for Mediation & Conciliation where parties have resolved their dispute, by a settlement dated 21st August, 2015 in the following terms:-

- a) That the first party i.e. Husband Jagdeep Singh has agreed to withdraw the present appeal and give cosent not to challenge the said order in furture before any Court of Law.
- b) That no child was born out of the wedlock.
- c) That the firest party-husband has agreed to pay a total sum of Rs. 3,20,000/- (Rupees Three Lacs &

Twenty Thousand only) to the second party/wife as permanent alimony (past, present and future maintenance) as a full and final settlement of all the disputes between the parties.

- (d) That the total amount of Rs. 3,20,000/- (Rupees Three Lacs & Twenty Thousand only) will be paid by the first party/husband in three installments. The first installment of Rs. 1,20,000/0 (Rupee One Lac and Twenty Thousand only) will be paid when the present appeal will listed for the hearing.
- e) That the first party/husband has agreed to give balance amount of Rs. 2,00,000/- in two equal instalments after the gap of one month in each installment (one installment in the month of October and second and last installment in the month of November, 2015).
- f) That the second party has filed a criminal complaint against the first party in the Court of Ld. Judicial Magistrate Ist Class, Saman under Sections 406, 498-A. The second party has given consent to withdraw the same or not to pursue with the criminal case/complaint and do the needful for the same after receipt of first instalment as agreed between the parties.
- g) The second party/wife has filed a criminal complaint U/S 125 Cr. P.C., which is pending by the Ld. JMIC,

Samana. The second party has given consent to withdraw the same or not to pursue with the case and do the needful for the same after receipt of second installment as agreed between the parties.

- h) That the second party has also filed a case for execution pending before Ld. CJM, Samana under Section 128 Cr.P.C. The second party has given cosent to withdraw the same or not to pursue with the case and do the needful for the same at the time of receipt of third installment as agreed between the parties.

A perusal of the settlement reveals that the appellant has agreed to accept the correctness of the decree of divorce and pay Rs. 3,20,000/- as permanent alimony in full and final settlement of all claims of maintenance, past, present and future in three installments as detailed in paragraphs (c), (d) and (e). The appellant has brought a sum of Rs. 1,20,000/- in cash, which has been handed over to the respondent-wife, who is present in court.

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

At this stage, counsel for the appellant states that the respondent may be directed to make a statement that she will not execute the decree of Rs. 7 lacs, awarded as permanent alimony and maintenance in the impugned judgment. The respondent Balwinder Kaur, who is present in Court , states that she shall not

execute the part of decree granting permanent alimony of Rs. 7 lacs.

The parties and their counsel also agree that the conditions with respect to dates of payment of permanent alimony may be modified in the following terms:-

- a) The sum of Rs. 1 lakh be paid on 5.1.2016 and another sum of Rs. 1 Lakh be paid on 5.2.2016, both before the Secretary Legal Services Authorities, Patiala.

We have heard counsel for the parties, considered contents of the settlement and the statements made in court today. The respondent shall not execute the decree regarding seven lakhs awarded by the trial court as permanent alimony as this part of the decree stands modified by agreement. The dates for payment of remaining alimony are modified in the above terms. The appeal is dismissed as withdrawn. The parties shall be bound by the terms and conditions of the settlement and their statements. In case, any party violates any part of the settlement or their statements, the aggrieved party shall be entitled to seek revival of the appeal and/or any other matter that may be withdrawn/quashed pursuant to this agreement/settlement.

Dismissed as withdrawn in the above terms.

(RAJIVE BHALLA)
JUDGE

December 02, 2015

(REKHA MITTAL)
JUDGE