

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

**FAO No.M-120 of 2015
Date of Decision: 16.09.2015**

Vani Shree

.....Petitioner

Vs.

Amit Manik

.....Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE NAVITA SINGH**

Present:- Ms. Sandeep Kaur, Advocate for the petitioner.

Ms. Sanamjeet Kaur, Advocate for the respondent.

RAJIVE BHALLA, J.

The appellant-Dr. Vani Shree is before us challenging judgment and decree dated 25.2.2015, passed by the Additional District Judge, Ludhiana dissolving the marriage by grant of a decree of divorce. During pendency of these proceedings and with able assistance of their counsel, parties have resolved their disputes. The following order, recording a settlement between the parties was passed on 3.9.2015:-

“Dr. Amit Manik (respondent) is present in Court with his counsel and states that in case the appellant withdraws her appeal, accepts the judgment and decree of divorce and also withdraws the appeal filed against him and his family members' acquittal, under Sections 406 and 498-A IPC and all other cases against them, he is ready to pay Rs.13,00,000/- as a one time settlement regarding alimony and maintenance to the appellant and their minor son Gopansh.

Mr. Sandeep Khunger, Advocate, counsel for the appellant on instructions from appellant, through her brother Mohit Munjal (who is present) states that the appellant shall withdraw the appeal and accept the aforesaid amount but the respondent will have no right to the custody or guardianship of the minor child, which shall vest in the appellant. Mr. Khunger, who states on instructions that the appellant shall withdraw the appeal filed against acquittal of the respondent and his family members.

Dr. Amit Manik (respondent) states that he shall give up guardianship or any right with respect to the minor Gopansh provided the appellant abides by her statement.

We have considered the statements. To enable parties to put the settlement into writing and Dr. Amit Manik to bring a demand draft of Rs.13,00,000/- by way of a demand draft in the name of minor Gopansh, under the guardianship and custody of appellant- Dr. Vani Shree, adjourned to 16.9.2015.”

Dr. Vani Shree and Dr. Amit Manik, the appellant and the respondent, respectively are present in Court and state that they have resolved all outstanding differences and reduced the terms and conditions of the settlement into writing by a compromise dated 16.9.2015. Dr. Vani Shree states that she has no objection if the appeal is dismissed as withdrawn, judgment and decree dated 25.2.2015 is affirmed but in accordance with the terms and conditions of the compromise.

Counsel for the parties pray that in view of the compromise

between the parties, the appeal may be dismissed as withdrawn in terms of the compromise between the parties.

We have heard counsel for the parties, considered order dated 3.9.2015 and contents of compromise which is taken on record as Mark 'A'.

At this stage, it would also be appropriate to reproduce the terms and conditions of the compromise:-

“(1) That the second party has prepared a demand draft for a sum of Rs.13,00,000/- bearing No.152564 dated 14.09.2015 drawn on State Bank of India in the name of minor Gopaansh Shree under the Guardianship of his mother Dr. Vani Shree, which shall be handed to the first party in the Hon'ble High Court on 16.09.2015. The above said amount is by way of one time full and final settlement in respect of all the claims and dues including maintenance and permanent alimony of the first party and the minor child, Gopaansh Shree and after receipt of the above amount, the first party or the minor child Gopaansh Shree shall have no claim or charge against the property of the second party or any other members of the family of the second party.

(2) That the first party shall withdraw the FAO No.M-120 of 2015 filed by her which is now pending in the Hon'ble High Court with next date of hearing as 16.09.2015.

(3) That even after the dissolution of marriage between the parties, the custody and guardianship of the minor Gopaansh Shree shall remain with the first party and the second party will

have no right to the custody or any other claims over the minor child under any circumstances. Even in case of re-marriage of the first party (Vani Shree) the custody and guardianship of the minor Gopaansh Shree shall remain with the first party and the second party will have no right to the custody or any other claims over the minor child.

(4) That the first party has instituted the following cases against the second party or its members:

“(i) Crl. Appeal No.3517 of 2014 titled Vani Shree Vs. Vinay Manik and two others filed against the orders of acquittal dated 27.08.2014 passed by SDJM, Jalalabad (W) which is currently pending in the Court of Sh. Arun Kumar Aggarwal, Addl. Sessions Judge, Fazilka with next date of hearing as 24.09.2015.

(ii) Petition titled Vani Shree Vs. Amit Manik and 11 others filed under the Protection of Women from Domestic Violence Act, 2005 pending in the Court of Sh. Kulbhushan Kumar, CJM, Fazilka with next date of hearing as 19.09.2015.”

The first party shall withdraw the above said two cases on the next date of hearing or on the first available opportunity latest by 30.09.2015.

(5) The first party shall not claim any amount in future on account of maintenance or from the property, moveable or immovable owned and possessed by the second party or their

family members on account of herself or the minor child Gopaansh Shree and similarly the second party shall not have any claim in future over the properties owned and possessed by the first party and her members of the family.

(6) That the first party shall not claim any amount henceforth in terms of the orders dated 09.04.2014 passed under Section 125 Cr.P.C. as modified under orders 28.10.2014 of Sh. Kuljit Pal Singh, the Addl. Sessions Judge, Fazilka. The entire amount due upto date has already been disbursed by the second party.

(7) That by way of present compromise, all the disputes or issues present, past or future come to an end and henceforth, both the parties shall be free to live their future life as per their own wishes and without any interference or litigation in this regard from the other party.”

A perusal of the compromise reveals that Dr. Vani Shree, the appellant has agreed to withdraw the appeal, accept the correctness of the judgment and decree dated 25.2.2015, dissolving their marriage. Dr. Vani Shree has received Rs.13 lacs as a one time settlement regarding alimony and maintenance for her and for and behalf of the minor son Gopaansh Shree, in the form of a demand draft of Rs.13 lac drawn in the name of Gopaansh Shree through his guardian Vani Shree daughter of Sh. Vijay Munjal handed from Dr. Amit Manik in Court today.

In view of the compromise and statements made by the parties, the appeal is dismissed as withdrawn and judgment and decree dated

25.2.2015 is affirmed. The compromise shall be a part of the decree. The minor Gopanshree shall henceforth remain in the sole custody and guardianship of Dr. Vani Shree, daughter of Sh. Vijay Munjal. The parties shall withdraw any litigation, any complaint or any other application filed before any authority, Court, Forum etc. forthwith. In case of any clarification, the parties would be at liberty to approach this Court by way of an appropriate application.

**(RAJIVE BHALLA)
JUDGE**

**September 16, 2015
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**(NAVITA SINGH)
JUDGE**