

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 69 of 2014**

- Manish Soni S/o R.K. Soni Aged About 39 Years R/o Pragati Vihar Colony, Santoshi Nagar, Police Station Tikrapara, Civil & Revenue District Raipur (C.G.)

---- Appellant**Versus**

- Nisha Soni @ Kiranbala Soni W/o Shri Manish Soni Aged About 36 Years Through- Ramswaroop Soni (Father), R/o Ramjan Ka Bagicha, A.B. Road, Police Station City Kotwali, Guna, Civil & Revenue Distt. Guna M.P.

---- Respondent

For Appellant	:	Shri Bhaskar Payashi, Advocate along with appellant in person
For Respondent	:	Shri Keshav Dewangan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**By Prashant Kumar Mishra, J****15/09/2016**

1. Heard learned counsel for the parties and the appellant appearing in person on the application under Section 13B of the Hindu Marriage Act, 1955 (for short 'the Act, 1955) as also on the application under Section 89 of the CPC for recording the terms of settlement and for grant of divorce.
2. On 28.07.2016 both the parties had appeared before this Court in support of the application under Section 13B of the Act, 1955, which was presented on 26.11.2015. Since on 28.07.2016 the appellant had not brought the amount under the settlement, the matter was adjourned for today. The respondent

was exempted from appearing today as in course of hearing on 28.07.2016 she supported the application on being verified by the Court. Her signature is also available in the order-sheets.

3. In the application under Section 89 CPC the terms of settlement between the parties have been delineated, which is reproduced hereunder:-

I. That the appellant would pay Rs. 8 Lakhs as one time settlement to respondent out of which Rs. 6 Lakhs would be payable to respondent wife by demand draft.

II. That the appellant would make fixed deposit of Rs. 2 Lakhs for 8 years in the name of daughter Tanisha Soni @ Gungun and same shall not be terminated at the instance of respondent before completion of its term i.e. 8 years without orders from any court of law. Fixed deposit would be renewed and amount can be utilized for the purposes of marriage Tanisha Soni.

III. That the appellant further agreed to pay Rs.1 Lakh to Tanisha Soni at the time of solemnization of marriage of his daughter Tanisha Soni @ Gungun.

IV. That the appellant and respondent would not make any claim or raise any dispute after dissolution of marriage and respondent being natural guardian of Tanisha Soni under takes that her daughter Tanisha Soni would not make any claim against appellant.”

4. In terms of the above stated settlement and as per the statements recorded by this Court in the order-sheets dated 19.11.2015 and 28.07.2016, the appellant has presented before this Court an account payee cheque in the name of Smt. Nisha Soni for a sum of Rs.6 Lakhs and a fixed deposit in the name of daughter Tanisha @ Gungun Soni for a sum of Rs. 2 Lakhs. In addition, the appellant has agreed to pay Rs.1 Lakh to the daughter Tanisha @ Gungun Soni at the time of her marriage. Let the cheque and the fixed deposit receipt be handed over to learned counsel for the respondent after retaining photocopy of the same in the record of this appeal.

5. Shri Dewangan, learned counsel for the respondent undertakes to send the cheque and the fixed deposit receipt to the respondent within 10 days from today. On receipt of the cheque and the fixed deposit receipt, the respondent shall send acknowledgment to her counsel, which, in turn, be deposited with this Court along with memo of submission.
6. In view of the above, the applications under Section 13B of the Act, 1955 and Section 89 CPC are allowed. The marriage between the appellant and the respondent stands dissolved by a decree of divorce by mutual consent in terms of the settlement mentioned in the application under Section 89 CPC which shall form part of the decree.
7. The respondent shall inform the appellant about the date of marriage of daughter Tanisha well within time.
8. In the event, the appellant fails to pay the sum of Rs.1 Lakh to the daughter Tanisha at the time of marriage, the decree can be executed by the respondent for the said amount of Rs.1 Lakh in the Family Court, Raipur.
9. Let a decree be prepared in the above stated terms.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Chandra Bhushan Bajpai

Ashu