

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

201

FAO-M-273-2007
Decided on : 11.02.2016

*Jaswinder Kaur**... Appellant**Versus**Avtar Singh**.. Respondent*

CORAM : HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MRS.JUSTICE LISA GILL

Present : Mr.Rohit Samhotra, Advocate
for the appellant.
Mr.Jaideep Verma, Advocate
for the respondent.

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

Rajive Bhalla, J. (Oral)

Parties are present in the court along with their counsel.

Jaswinder Kaur, appellant has filed an affidavit. A relevant extract from the affidavit reads as under:-

“xxx xxx xx xxx

3. That with the intervention of relatives and respectable of the society the subject matter has been amicably settled between the parties
4. That the matter has been amicably resolved completely and deponent has no objection if the above said case is withdrawn against the husband/respondent.
5. That now the compromise has been effected

between the parties on the following terms:-

- a. That husband/respondent will pay total amount of Rs.9,00,000/- in view of the compromise.
 - b. That husband/respondent will pay Rs.6,00,000/- within 15 days from today i.e. 11.02.2016 and remaining Rs.3,00,000/- will be paid in the period of 6 months.
6. That no threat, force or pressure has been exerted by any person and the deponent has sworn the affidavit with her own free will and consent and after understanding all the facts and circumstances.”

After having read the affidavit filed by the appellant, the respondent, Avtar Singh in turn, has filed an affidavit which reads as under:-

1. That the deponent has settled all disputes with this wife namely Jaswinder Kaur amicably and agreed to pay sum of Rs.9.00 lacs as full and final settlement amount to his wife. On the other hand wife agreed to withdraw the instant appeal and accept the decree of divorce passed by Addl. District Judge, Ludhiana.
2. That the deponent is agreed to pay the total settlement amount in two installments as sum of Rs.6.00 Lacs would be paid by way of demand draft in favour of his wife Jaswinder Kaur within 15 days and rest of the amount i.e. Rs.3.00 Lacs would be pay within coming 6 months.
3. That it is agreed between the deponent and his wife that in future both will not raise any proceeding against each other and if any proceeding is pending in any court or any other form they both are bound to withdraw the same.”

Learned counsel for the parties pray that in view of affidavits filed by the parties, the appeal may be dismissed as withdrawn and the judgment and decree passed by Additional District Judge, Fast Track Court, Ludhiana dated 23.07.2007 dissolving the marriage, may be affirmed subject to the following conditions as recorded in their affidavits and agreed to, in the Court:-

- (a) Avtar Siungh shall pay Rs.6 lacs to the appellant, Jaswinder Kaur by way of demand draft within 15 days from today. Avtar Singh shall pay Rs.3 lacs to Jaswinder Kaur within six months from today.
- (b) In case, Avtar Singh does to pay the aforesaid amounts, Jaswinder Kaur will be entitled to seek revival of the appeal and the amount paid by Avtar Singh shall not be refunded.
- (c) The amount of Rs.9 lacs of permanent alimony if paid to the respondent shall be in full and final settlement for any claim that the appellant may have against the respondent whether of maintenance past, present or future or permanent alimony.

The appeal is accordingly dismissed as withdrawn by modifying the judgment and decree dated 23.07.2007 in the aforesaid conditions.

Decree sheet be drawn up accordingly.

[Rajive Bhalla]
Judge

[Lisa Gill]
Judge

11.02.2016

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