

ANIL GARG VS ANJU GARG

Present : Mr.Munish Mittal, Advocate
for the appellant.

The appellant husband has preferred the appeal aggrieved by the judgment passed by the trial Court under Section 9 of the Hindu Marriage Act. When the appeal was pending disposal before this Court, the matter was referred to the Mediation & Conciliation Centre. Parties entered into a compromise by way of a compromise deed before the Mediation & Conciliation Centre. One of the terms of the settlement was that the appellant-husband would pay a sum of ₹25,000/- in cash towards litigation expenses to the respondent-wife and the demand draft for the said amount already deposited by him with the Registry shall be taken back by the appellant from the Registry.

Pursuant to the above settlement of the matrimonial dispute between the parties, the main appeal was dismissed as withdrawn as per order passed by us on 10.08.2015.

It appears that the appellant husband has not taken efforts to get back the demand draft for a sum of ₹ 25 lacs towards litigation expenses deposited with the Registry.

In the above facts and circumstances, we are of the considered view that the appellant-husband is entitled to receive back demand draft for a sum of ₹25,000/- deposited with the Registry as he had reportedly paid the said amount in cash to the respondent in terms of the settlement arrived between them before the Mediation & Conciliation Centre.

Therefore, Registry is directed to return the demand draft for a sum of ₹25,000/- deposited by the appellant in connection with this appeal. The reference by the Registry is answered accordingly.

(M. JEYAPPAUL)
JUDGE

(TEJINDER SINGH DHINDSA)
JUDGE

November 17, 2016

anju