

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.925 of 2016

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Ignatius Henry, son of late Henry Pal, resident of Christan Quarter, Dargah
Mohalla, Ward No.22, P.S. Bettiah, District, West Champaran

... Petitioner ... Appellant/s

Versus

Sylvie Daniel, daughter of late Simon Daniel, resident of Pilkhana, Howrah,
B.L. Roy Road, Howrah

... Respondent/ Opposite Party

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Animesh Kumar,
Mr. Prashant Kumar, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 18-12-2017

Heard parties.

Admit.

No notice is required to be issued upon the sole respondent
as Mr. Animesh Kumar, learned counsel, accepts notice on her
behalf.

With consent of the parties, this matter is being taken up for
its final disposal today in the light of the facts and circumstances
of the case.

Learned counsel for the appellant produces demand draft
bearing No.316333, of rupees one lac, in favour of Sylvie Daniel.
The draft is being handed over to learned counsel for the



respondent. A joint petition has also been filed on behalf of the parties stating that due to incompatible differences, they have been living separately for about 4 years and now they have decided to part ways on the following terms:-

“(a) From this day, the appellant and respondent will be free from their conjugal obligations towards each other, and while leading independent lives, they will not interfere in peaceful life of each other.

(b) The appellant is paying a lump sum amount of Rs.1,00000/- (One lakh) through Bank draft @ No.31663 dt.13.XII.2017 to the respondent towards full and final alimony, and hereinafter she will have no claim from the appellant by way of alimony or maintenance under any law.”

The parties were present before this Court on 11.12.2017 and had expressed their willingness to part ways as they are not living together for the last four years.

Learned counsel for the parties have taken us to a decision of this Court rendered in **Hemant Kumar Vs. Sushila Devi & Ors. [2009(1) PLJR (HC) 205]** to demonstrate that under similar circumstances, compromise has been accepted by a Division Bench of this Court.



Having considered the matter thoughtfully, we are of the view that compromise between the parties meets the requirement of law and is in their interest.

We, accordingly, dispose of this appeal on the consent having been given orally before this Court as well as in writing on affidavit and the compromise arrived between the parties. The marriage between the parties is dissolved as per the compromise. Since a permanent alimony of rupees one lac has already been paid, we record the statement of the respondent that no further claim of alimony of any nature remains. The parties will pay their own costs.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

