

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.485 of 2015

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Sri Subodh Kumar Mishra, son of Late Kedarnath Mishra, resident of Village-
Bhalpatti, P.O.- Bhalpatti, P.S.- Sadar, District- Darbhanga.

.... Appellant

Versus

Smt. Bharti Mishra, daughter of Dr. Chandrashekhar Jha, wife of Subodh Kumar
Mishra, House No. 169, Godhra, Bada Govindpur, Near Railway Crossing,
Jamshedpur, P.O.- Telco Works, P.S.- Rahargaon, Jamshedpur (Jharkhand)

.... Respondent

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Sushil Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 12-07-2017

I.A. No.9398/2015

Heard learned counsel for the appellant and the respondent.

This interlocutory application has been filed for condoning
the delay of about sixteen days in preferring the present appeal.

No counter affidavit has been filed on behalf of respondent
opposing the aforesaid prayer.

For the reasons mentioned in this interlocutory application,
we are satisfied that the appellant was prevented from sufficient cause
from preferring this appeal within time.

As a result, this interlocutory application is allowed and the
delay in filing this appeal is hereby condoned.

M.A. No.485 of 2015

We have heard parties.



The appellant husband, wife, father-in-law and brother-in-law of the appellant are present in person before us.

It appears that finally good sense has prevailed upon the parties after much effort of conciliation made by this Court, they are happily living with each other at the place of the husband. The father of the respondent has produced the original certificate of the fixed deposits. After perusal, learned counsel for the appellant and respondent both are satisfied that all the required money are thereunder in two fixed deposits. That apart, the father of the respondent has also produced the pass-book of Saving Bank A/c No.50100076721257 which is in the name of the respondent as well as her father. It is contended that Rs. 1,33,397.09/- is in the account which was deposited as maintenance by the husband of the respondent.

The father of the respondent has assured us that so far as two fixed deposits are concerned, his name would be replaced by inducting the names of the two minor kids under the guardianship of their mother till 15.09.2017. So far as the money kept in the aforesaid saving bank account is concerned, that money would be also transferred into the accounts of the son and daughter of the appellant and the respondent in equal portion.

The husband undertakes before us that he will lead happy and harmonious conjugal life henceforth along with the respondent-wife extending full dignity and honour to her. The wife also



undertakes that she will take care of her husband and the family as a dutiful wife. The wife also undertakes that she will file a compromise petition in Cr. Revision No.730 of 2010 pending in the Jharkhand High Court, Ranchi and, for such purpose, the required step would be taken by her till 15.09.2017.

Accordingly, in the aforementioned facts and circumstances and upon the joint request of the parties, the judgment and decree passed by the court below is upheld and this appeal stands disposed of with the aforesaid observations and directions.

However, if any terms and conditions are violated by the parties then the other side would have a liberty to file a petition for revival of this matter.

The children would continue their study at Jamshedpur under the guardianship of their maternal grandfather and after completion of their schooling, it will be open for them to take a decision regarding staying with their parents.

The father undertakes to bear 25% of the expenses which would incur in the study of his son and daughter till they are studying at Jamshedpur.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.07.2017
Transmission Date	N.A.

