

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.423 of 2015

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Hari Shnkar Sah, Son of Sri Mukhlal Sah, Resident of Village - Sahejani, P.O. - Hasan Bazar, P.S. - Piro, District - Bhojpur (Ara).

.... Appellant

Versus

Pramila Devi, Wife of Hari Shankar Sah, daughter of Munni Lal Sao, Resident of Village - Madhopur, Post Office- Bakhtiyarpur, Police Station - Bakhtiyarpur, District - Patna

.... Respondent

With

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Miscellaneous Appeal No. 295 of 2015

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Pramila Devi, Wife of Hari Shankar Sah (Respondent) and Daughter of Munnilal Sao, Resident of Village - Madhopur, Post Office- Bakhtiyarpur and Police Station - Bakhtiyarpur, District - Patna

.... Appellant

Versus

Hari Shnkar Sah, Son of Sri Mukhlal Sah, Resident of Village - Sahejani, P.O. - Hasan Bazar, P.S. - Piro, District - Bhojpur (Arrah), at present working as Executive Engineer, Local Area Engineering Organization, Works Division, No. 1, Patna Collectorate, Vikash Bhawan, Patna-1

.... Respondent

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Appearance :

(In MA No.423 of 2015)

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

For the Respondent/s : Mr. A.B. Ojha, Senior Advocate
Mr. Anand Vardhan, Advocate

(In MA No.295 of 2015)

For the Appellant/s : Mr. A.B. Ojha, Senior Advocate
Mr. Bharat Bhushan, Advocate
Mr. Anand Vardhan, Advocate

For the Respondent/s : Mr. Manoj Priyadarshi, Advocate

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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: 10-07-2017

I.A. No.8961 of 2015 in M.A. No.423 of 2015



Heard parties.

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

No counter affidavit has been filed on behalf of respondent to this interlocutory application.

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.423 of 2015 with M.A. No.295 of 2015

Mr. A.B. Ojha, learned Senior counsel appearing for the appellant in M.A. No.295 of 2015 has categorically stated before this Court that if Rs. 10 lacs is given to the wife and Rs. 5 lacs is given to disabled daughter then both of them would be satisfied without any further claim.

The wife is also present in the Court Room and she is also agreeable to that.

Learned counsel appearing for the daughter also accepts that amount.

He further submits that whatever the amount has been deposited till 15.03.2017 by the appellant-husband towards the maintenance of



the wife and daughter should also be allowed to be withdrawn by the wife as well as the daughter.

Learned counsel appearing for the husband submits on instruction that the husband is also agreeable to the aforesaid provided that he is allowed to deposit the amount in five equal installments within three months.

Accordingly, both these appeals are being disposed of on following terms :-

(i) The husband will deposit Rs. 15 lacs, i.e., Rs. 10 lacs for the wife and Rs. 5 lacs for the disabled daughter as full and final settlement of the matter within three months in five equal installments through bank draft which would be deposited before the court below and the court below will handover the same to the wife and the daughter immediately.

(ii) Whatever amount by way of maintenance has been deposited till 15.03.2017 by the husband in the court below, the wife and the daughter would also be entitled to withdraw the same.

(iii) The parties will take steps for withdrawal of all criminal cases filed by either husband or wife which stand detailed as under :



Filed by the husband: -

(i) Complaint Case No.909 (C) of 2015.

Filed by the wife :-

- (i) Complaint Case No. 99 (C)/1999 giving rise to Cr. Revision No.1230 of 2016.
- (ii) Pirbahore P.S. Case No.235/2000 giving rise to Cr. Revision No.113/2000
- (iii) Complaint Case No.130 (C) of 2003.

Accordingly, the judgment dated 26.06.2015 passed in Matrimonial Case No.16 of 1996 by the Principal Judge, Family Court, Patna stands modified to the aforesaid extent only.

However, in case a party violates the aforesaid undertaking, the other side would have an option to file a petition for revival of the appeal.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.07.2017
Transmission Date	13.07.2017

