

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.315 of 2013

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Bipin Bihari Singh son of Bishwanath Singh, Resident of C-1/10, Vindhya Shree Apartment, near Lakshmi Vihar, P.s. Burari, Delhi – 110084
At present residing at Mohalla : Janakpur (Manpur), Post Buniyadgang, Police Station : Mufasil, District Gaya

... .. Appellant

Versus

Nutan, wife of Bipin Bihari Singh,
Daughter of Mahendra Prasad Singh,
Resident of Gandhi Maidan, Police Station : Aurangabad Nagar, District Aurangabad

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Kumar Dharendra Pratap Singh, Advocate
For the Respondent/s : Mr. Kamendra Prasad Singh, Advcoate

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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 : 06-07-2017

Heard learned counsel for the appellant and the respondent.

Both the husband and wife are present before this Court and they have stated that nothing is left in their marriage and as such they have agreed to part their ways by way of one time settlement between the parties and certain amount had already been paid as stated in the interlocutory application. However, the husband has appeared and undertook before us that he would pay remaining amount within a period of three months.

I.A. No. 3541 of 2017 has been filed by respondent stating therein that the appellant is residing at Gaya and Delhi whereas



the respondent is residing at Aurangabad and there is no child born from the wedlock. It is stated that both parties have signed the memorandum of understanding stating that they had decided not to continue the matrimonial relationship and live separately. The copy of the memorandum of understanding has been appended as Annexure 1. The husband has already given a cheque bearing No. 934302 110024037 dated 28.04.2017 of Rs. Five lacs in favour of respondent and has requested for presentation after one month in bank. The appellant has also agreed to pay due amount passed in Maintenance Case within one month. The wife has agreed and accepted the cheque of Rs. Five lacs and also had agreed that the maintenance amount which is lying due with the appellant may be credited in her bank account within one month. She has stated that she is living separately since 31.12.2009 and has not entered any conjugal relationship.

The appellant has also filed a reply to the I.A. No. 3541/2017 and admitted the statements of the aforesaid interlocutory application and also that memorandum of understanding, i.e., Annexure 1 to the interlocutory application, has been signed by them and both of them had agreed to dissolve the marriage. The husband has appeared before us and has stated that apart from the



cheque which has already been issued for an amount of Rs. Five lacs, rest entire amount will be paid within a month.

Accordingly, this appeal is disposed of with liberty to the parties to file a joint petition under Section 13 B of the Hindu Marriage Act, 1955 before the Principal Judge, Family Court, Aurangabad for dissolution of marriage by a decree of divorce on mutual consent. Thereafter the court below would take immediate step for disposal of the said case and after required period, and, if any of them do not withdraw from the consent within the statutory period then it will grant divorce on the mutual consent.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Spd/-

AFR/NAFR	NA
CAV DATE	NA
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