

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(215)

**FAO-M-208-2015 (O&M)
Decided on: August 03, 2017.**

Sheena Garg

.... Appellant

Versus

Piyush Garg

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Amit Jain, Advocate, for the appellant.

Mr. Sanjeev Manrai, Sr. Advocate, with
Mr. Gaurav Talwar, Advocate, for the respondent.

M.M.S. BEDI, J (ORAL)

This appeal has been preferred by the wife against the judgment and decree dated 16.04.2015 passed by the Additional District Judge, Panchkula granting a decree of divorce to the respondent-husband.

During pendency of the appeal, a proposal floated for withdrawing of the appeal subject to a reasonable amount being deposited in the name of Yatika, the minor daughter born out of the wedlock, by the respondent-husband, was accepted by the parties. Respondent Piyush Garg had undertaken to produce a bank draft of Rs.15 lacs in the name of Yatika so that the amount be deposited in Single Premium Endowment Plan Scheme by LIC in the name of Yatika under the guardianship of appellant Sheena Garg. The appellant had undertaken that the amount will be utilised only for the welfare of the child and not for her personal use.

Pursuant to said settlement, the appellant-wife has furnished an affidavit that amount of Rs.15 lacs shall be used for the above said scheme and will not be withdrawn for her personal expenditure. She has also undertaken not to file any case seeking any claim for her or on behalf of the

minor daughter against the respondent or his family. She has also given an undertaking to withdraw the proceedings under Section 125 Cr.P.C which are pending before the Judicial Magistrate Ist Class, Kharar.

Without expression of any opinion regarding the legal rights of the minor child, we are of the opinion that in view of the settlement arrived at between the parties, the appeal can be permitted to be withdrawn subject to the amount of Rs.15 lacs being deposited in the above said scheme.

A sum of Rs.15 lacs in the shape of three bank drafts dated 02.08.2017 has been brought by the respondent. These bank drafts have been handed over to the appellant by recording her undertaking that the amount of Rs.15 lacs will be deposited in the Single Premium Endowment Plan Scheme within period of 15 days. The appellant would abide by the depositions in the affidavit furnished before this Court. The amount of Rs.15 lacs along with interest accrued or any financial additional benefit accrued pursuant to the terms of the scheme will not be withdrawn by the appellant prior to the date of attaining majority by Yatika. Yatika, however, will be entitled to all the benefits of the scheme on attaining majority.

In view of above said circumstances, the appeal of the wife against the decree of divorce dated 16.04.2015, is disposed of as withdrawn.

(M.M.S. BEDI)
JUDGE

August 03, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No