

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

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FAO No.M-96 of 2016 (O&M)

Date of Decision: July 5th, 2017

Seema

...Appellant

Versus

Rao Virender

...Respondent

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

Present: Mr. V.D. Sharma, Advocate
for the petitioner.

Mr. Ramender Chauhan, Advocate
for the respondent.

Mr. Sanchit Punia, Advocate
for Mr. Arun Tanwar, Advocate.

M. JEYAPPAUL, J. (ORAL)

Appellant-Seema has challenged the *ex parte* decree of divorce granted in the petition purportedly filed by her under Section 13 of the Hindu Marriage Act. The decree of divorce granted to the appellant was challenged primarily on the ground that it was obtained by exercising fraud by the respondent-husband. Appellant has also contended in the grounds of appeal that she never received any maintenance as contemplated in the decree from the respondent-husband. Respondent, in fact, admitted before the Court during the hearing on 30.11.2016 that he had not paid a sum of ₹10,00,000/- to the appellant towards maintenance as recorded by the trial Court. Appellant has filed civil and criminal cases against the respondent-husband.

During the course of these appeal proceedings, appellant and the respondent have amicably settled their matrimonial dispute. Respondent-husband agreed to pay a sum of ₹8.5 lacs to the daughter,

namely, Isha Rao born out of the wedlock and a sum of ₹8.5 lacs to the appellant towards permanent alimony. In terms thereof, respondent-husband has paid a sum of ₹8.5 lacs to the daughter born out of the wedlock. Appellant-wife has taken an FDR for the said amount in the name of her daughter Isha Rao for a period of five years. Today, respondent-husband paid a sum of ₹8.5 lacs in the shape of cheque to the appellant-wife towards her permanent alimony and other claims. Appellant-wife has also agreed to withdraw all the civil and criminal litigations launched by her against the respondent-husband. Appellant also has agreed that she will not withdraw the proceeds of the FDR till the child-Isha Rao born out of the wedlock attains majority.

In view of the above settlement arrived at between the parties, the appeal stands disposed of, accordingly.

Liberty is given to the appellant to draw interest from out of the deposit made in the name of the child towards her educational expenses.

CMM No.38 of 2016

In the light of the disposal of the appeal, CMM No.38 of 2016 moved by the appellant under Section 24 of the Hindu Marriage Act stands dismissed as infructuous.

**(M. JEYAPPAUL)
JUDGE**

July 5th, 2017
Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No