

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.24 of 2015

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Ravi Kumar Son of Sri Indradeo Prasad Resident of Mohalla- Kumhrar,
Behind Kali Mandir, Police Station- Agamkuan, Post Office- Bahadurpur
Housing Colony, Town and District- Patna- 800026

... .. Appellant/s

Versus

Mrs. Binu Verma wife of Ravi Kumar, and Daughter of Sri Indradeo Gupta,
resident of House No. 524, behind Jamuna Apartment, Boring Road, Nehru
Nagar, Police Station- Shastri Nagar, Post Office- Patliputra, Town and
District- Patna- 800013

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajendra Prasad Singh, Mr. Ranjeet Kumar, Advocates
For the Respondent/s	:	Mr. Binu Kumari Verma, 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 : 24-07-2018

We have heard the parties and perused the records of
this appeal.

We have already recorded in the order dated 17.07.2018
that both the sides have agreed for one time settlement upon
payment of Rs. 18 Lacs by the husband in favour of the wife,
out of which Rs.5,50,000/- already stands paid through the



demand draft as recorded in the aforesaid order.

The parties are present personally before us. They have stated that they are agreed by filing I.A. No.5536 of 2018 for dissolution of marriage by mutual consent as there is no possibility of their living in the company of each other. They have stated that they are living separately since 14.08.2010 and for the last 9 years, there is no relationship of husband and wife. They have further stated that there is no chance of any reconciliation between the husband and the wife for the purpose of living together and leading a conjugal life and, thus, they have reached to this one time settlement for compromise on mutual consent upon payment of Rs.18 Lacs by the husband to the wife. The list has been given in the interlocutory application giving details of the criminal cases filed by the parties against each other. They have stated that the parties will take steps either for getting the criminal cases quashed or withdrawn. The husband has agreed to pay the rest amount of Rs.12,50,000/- within six months from the order dated 17.07.2018.

On such stand having been taken by the parties who have personally appeared before us and they have also stated orally before us that they have signed the compromise petition on their own volition uninfluenced by any fraud, undue



influence, misrepresentation or exertion of any sort, we are of the view that the compromise between the parties meets the requirement of law and is in their interest.

We, accordingly, dispose of this appeal as well as I.A. No.5536 of 2018 in terms of the compromise entered between the parties. The averments made in I.A. No.5536 of 2018 would be treated as part of this order.

This appeal is allowed. The marriage between the parties is dissolved as per the compromise. Matrimonial Case No.859/2010 stands disposed of accordingly. We also record the statement of the respondent, i.e., Mrs. Binu Verma that no further claim of alimony of any nature remains. The parties shall bear their own cost.

However, we would make it clear that if the parties fail to act in accordance with their undertaking, for example, if payment is not made within the time stipulated or the cases are not withdrawn or steps are not taken for their quashing then the concerned party would have a right to file an application for revival of this appeal. This is further made clear that the courts below concerned while taking up the matter either of withdrawal or disposal of criminal matters between the parties, would also consider the compromise having been entered



between the parties and the present order having been passed in terms thereof.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2018
Transmission Date	NA

