

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1156 of 2016

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Ajay Sah, Son of Bhagwan Sah, Resident of North Hajipur, P.S.-
Chitragupta Nagar, District- Khagaria.

... .. Appellant/s

Versus

Nitu Devi, Wife of Ajay Sah daughter of Mohan Prasad Sah
resident of Village- North Hajipur, P.S.- Chitragupta Nagar,
District Khagaria at present residing at Idgah Road Bari Keshopur,
P.S.- Jamalpur, District- Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, Advocate

For the Respondent/s: Mr. Jyoti Ranjan Jha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH
PRASAD
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 14-09-2018

The husband and wife are present before us.

We have heard the parties.

Supplementary affidavit has been filed on behalf of the
wife stating that she is ready for annulment of marriage if Rs.
2,00,000/- (Two Lakhs) is paid to her by the husband by way of
alimony. It is accepted that out of the aforesaid amount, Rs.
50,000/- (Fifty Thousand) has already been paid to her.

The husband has also filed affidavit stating that he is
ready to pay rest amount of Rs. 1,50,000/-(One Lakh Fifty



Thousand) within one and half years in three equal installments to the respondent. This period is not acceptable to the wife.

However, at the time of hearing, the husband has accepted that the rest amount will be paid in three equal installments within a period of nine months.

It is made clear that the Bank Account No. of the respondent is given in the supplementary affidavit bearing its No. 464910110008154, Bank of India, Jamalpur Branch, District Munger (Bihar) and, as such, the amount has to be directly paid into the account of the wife by the appellant.

The wife will file petition for withdrawal of both the cases before the Court concerned, i.e. Misc. Case No. 62 of 2016 pending before the Principal Judge, Family Court, Munger and Complaint Case No. 974(C) of 2013 pending before the Sub-divisional Judicial Magistrate, Munger. Similarly, the husband will file petition for withdrawal of both the cases before the Court concerned, i.e., Complaint Case No. 364(C) of 2014 pending before the Chief Judicial Magistrate, Khagaria and Complaint Case No. 30 of 2014 pending before the Chief Judicial Magistrate, Munger. Since all the aforesaid cases have arisen out of matrimonial dispute in which compromise has already been arrived at between the parties, the Court before whom the petitions



for withdrawal of cases are filed, would consider this aspect of the matter and shall take a decision for final disposal of the same in accordance with law upon proof of deposit of said amount being produced.

It is further made clear that if the aforesaid cases are not withdrawn by the parties or the payment is not made by the appellant in favour of the respondent in three equal installments within a period of nine months either of them would have a right to file a petition for revival of this appeal.

It is also stated by the parties that all along they are living separately and both of them are convinced that their wedding has broken down irretrievably.

Having considered the matter thoughtfully, we are of the view that the compromise between the parties meets the requirement of law and in their interest. We, accordingly, dispose of this appeal in terms of the compromise entered into between the parties as mentioned above. The marriage between the parties is dissolved as per their desire. The matrimonial case also disposed of accordingly on payment of alimony of Rs. 2,00,000/- (Two Lakhs) to the wife by the husband as stated above out of which Rs. 50,000/- (Fifty Thousand) has already been paid and Rs. 1,50,000/- (One Lakh Fifty Thousand) is to be paid in three equal installments



within a period of nine months. We record the statement of the respondent Pinki Devi that no further claim of alimony of any nature remains. The parties will bear their own costs.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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