

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.285 of 2011

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Sri Niranjana Kumar s/o Late K.N. Vishwakarma, R/m Sultanpur, New
Gosain Tola, P.O.+P.S. Danapur Cantt, Distt. Patna

.... Appellant/s

Versus

Smt. Sabita Rani, d/o Sri. Satish Pd. Sharma, W/o Niranjana Kumar,
Resident of 12. Emersion Road, Danapur Cantt, Distt. Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

23 07-02-2018

Heard the learned counsel for the appellant and the
learned counsel for the respondent.

It is contended on behalf of the appellant that about
Rs. 8,00,000/- has already been given to the respondent-wife and
Rs. 3,00,000/- more is to be paid and the same statement is
accepted by the respondent also. It is further stated that in the
Complaint Case No. 496(C) of 2002 final decision has come. Wife
had stated there that she did not want to pursue the matter and
judgment of acquittal has already been passed by the court
concerned. It is further stated that the maintenance case is pending
before the Family Court.

Both sides jointly submit that a petition for grant of
divorce on mutual consent has already been filed under Section



13(B) of the Hindu Marriage Act which has been registered and numbered as Matrimonial Case No. 407 of 2017. The appellant undertakes that the remaining amount would be deposited in account in favour of the respondent by 25th of March, 2018.

Accordingly, let both sides appear along with the proof of such deposit on 26th of April, which is the next date fixed, and on that date it is expected that the court below would pass a final order in accordance with law. In case, such order could not be passed on that date for any technical or other reason, then a final decision should be taken expeditiously preferably within a period of two weeks thereafter. In case of default by any of the parties, for example, if the deposit is not made or even if the balance amount is paid but the wife chooses not appear before the court below, the concerned party would be at liberty to file a petition for revival of this appeal.

The appeal stands disposed of.

(Dr. Ravi Ranjan, J)

(Prakash Chandra Jaiswal, J)

sushma/-

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