

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.306 of 2017

In
CIVIL MISCELLANEOUS JURISDICTION No.412 of 2016

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Rajiv Kumar Gautam @ Rajeev Kumar Gautam, son of Ram Pravesh Sinha,
at house No.41, Nutan Nagar, P.S. Civil Lines, District, Gaya, at present
resident of Flat No.70, Type No.3, Government Quarter, Tolly Ganj, Kolkata

... .. Appellant/Petitioner No.2

Versus

Sharda Kumari, wife of Rajiv Kumar Gautam, daughter of Ajay Shankar
Prasad Singh, resident of village, Shokahara, P.S. Phulwaria, District,
Begusarai

... .. Respondent/ Petitioner No.1

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Appearance :

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

For the Respondent/s : Mr. Sandip Kumar Gautam, 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 : 18-06-2018

Both, husband and wife, are present. The wife has
stated before us that she has already received the articles through
the Officer-in-Charge, Police Station, Fulwaria, District Begusarai
and she is having no further grievance and she stands on the
affidavit sworn earlier. Husband is also present. He also submits
that he has already handed over the articles. A list of which has
been produced before us.

Let it be taken in record.

Heard parties.



It appears that a petition under section 13(B) was filed by the parties before the court below after agreement having been reached in a mediation proceeding which was conducted in view of the direction given in Divorce Case No. 76/2015. In terms thereof, a petition was filed under section 13(B) of the Hindu Marriage Act but the wife withdrew her consent as she wanted certain articles to be given back which were given at the time of marriage. In such a situation the case filed under section 13(B) was dismissed vide impugned order.

However, both of them have agreed before us for dissolving their marriage by filing I.A. No. 3908 of 2018.

In that petition, the appellant has agreed to return back all the articles for which a list was already given by the respondent-wife. The respondent has accepted the proposal and it is accepted in the aforesaid interlocutory application that if such articles are returned then she would not want to continue in nuptial bond as she is agreeable for dissolution of marriage by mutual consent.

In such a situation, this Court had directed that the entire articles be handed over by the appellant to the wife through the Officer-in-charge, Police Station, Fulwaria, District Begusarai which has eventually been done as stated by both the



parties. It is also stated in the aforesaid interlocutory application that the wife has given consent for divorce in the matrimonial case for settling the entire dispute and for which she has already received rupees 8 lacs and is satisfied with the amount.

In presence of their counsels, this Court asked both the husband and the wife as to whether they have signed and filed joint petition of compromise (I.A. No. 3908 of 2018) on their own volition uninfluenced by any fraud, undue influence, misrepresentation or exertion of any sort? They have answered that they have signed the compromise deed voluntarily. Both of them seem to be convinced that their wedding has broken down irretrievably.

Having considered the matter thoughtfully, we are of the view that compromise between the parties meets the requirement of law and is in their interest.

We, accordingly, dispose of this miscellaneous appeal in terms of compromise entered between the parties treating their oral statement before this Court regarding delivery and receipt of the articles listed in the document filed today. The averments made in I.A. No. 3908 of 2018 would be treated to be part of this order.

In the result, this appeal is allowed. The marriage between the parties is dissolved at their own mutual consent. The



Divorce Case No. 76/2015 stands disposed of accordingly on payment of Rs. 8 Lacs and on return of the articles which have listed in the list in the document filed by the appellant today.

Respondent Sharda Kumari would have no further claim regarding alimony. The parties would bear their own cost.

This disposes of I.A. No. 3908 of 2018 also.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2018
Transmission Date	NA

