

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.394 of 2014

Pravin Kumar S/o Sri Jagdish Prasad Yadav resident of Madhepura Ward No. 21, Nandnagar, P.S. & District - Madhepura. Permanent Address : - Village - Tamkulha, P.S. - Sonbarsa, District - Saharsa.

... .. Appellant/s

Versus

Nalinibala W/o Pravin Kumar and daughter of Dinesh Prasad Mandal resident of Village - Maruaha, P.S. and District - Madhepura, At present Jaipalpatti, Ward No. 15, near Old T.V. Centre, Madhepura, P.O. + P.S. + District - Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Ravi Bharwwaj, Advocate
		Ms. Madhuri Kumari, Advocate
		Mr. Nilesh Sinha, Advococate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 03-10-2018

It appears that there is typographical error in paragraph no. 2 of the order no.13 dated 06.08.2018 as in place of Rs.3,00,000/-, Rs. 1,00,000/- has been shown to have been paid through RTGS.

Let the aforesaid amount be read as Rs.3,00,000/-.

Accordingly, the order dated 06.08.2018 stands modified to that extent only.

The husband and wife are present before us.



We have heard learned counsel for the appellant and the respondent.

A compromise petition has been filed by both of them jointly seeking dissolution of marriage by mutual consent. Towards permanent alimony, Pravin Kumar (husband) has agreed to pay a sum of Rs.13.50 lacs to Nalinibala (wife).

Today, a supplementary affidavit has been filed on behalf of the appellant (husband) stating that he has already transferred Rs.13,52,000/- in the account of respondent (wife) which the wife has accepted without any reservation.

Both the parties have agreed to withdraw the cases which are going on between them and their families.

In the presence of the learned counsel of the parties, we asked the appellant as well as the respondent as to whether they have signed the compromise petition on their own volition uninfluenced by any fraud, undue influence, misrepresentation or exertion of any sort. Their answer was that they have signed the compromise deed voluntarily.

We are informed by the parties that they are living separately for more than six years. 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 the compromise between the parties meets the requirement of law and is 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 the compromise. On payment of permanent alimony in the sum of Rs.13,52,000/-, we record the statement of the respondent (wife) that no further claim of alimony of any nature remains.

The parties will bear their own costs.

However, it is made clear that if the aforesaid cases are not withdrawn by the parties within a period of four months, either of them would have a right to file a petition for revival of this appeal.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
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