

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.824 of 2015**

Arising Out of P.S. Case No.- Year- Thana- District- Sitamarhi

Navin Chaudhary son of Sri Maheshwar Chaudhary resident of Village -  
Bajitpur, P.S. - Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi wife of Navin Chaudhary resident of Village - Bajitpur, P.S. -  
Bajpatti, District - Sitamarhi.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ramakant Sharma, Sr. Adv.<br>Mr. Lakshmi Kant Sharma, Adv. |
| For the Respondent/s | : | Mr. D.P.Tiwary(App)                                            |
| Fro O.P. No. 2       | : | Mr. Aaruni Singh, Adv.                                         |

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

10    06-12-2018                      This revision application has been preferred against the order dated 03.09.2015 passed by the Principal Judge, Family Court, Sitamarhi in Miscellaneous Case No. 32 of 20036, whereby and whereunder, learned Principal Judge awarded Rs. 4,000/- per month maintenance to opposite party no. 2 with effect from 03.02.2011.

Against, the said order, the petitioner preferred the present revision application and it appears from order dated 31.07.2018 passed in this case that both the parties have agreed to that on payment of Rs. 6,00,000/-, in all, by the petitioner to opposite party no. 2, the opposite party no. 2 shall not raise any further demand towards her maintenance. The aforesaid amount, therefore, shall be towards the full and final settlement of the



matrimonial claims of the opposite party no. 2. However, it was submitted by learned counsel for the petitioner for making payment of Rs. 6,00,000/-, the petitioner shall have to arrange for selling his landed property which might take some time. However, he had agreed to pay Rs. 3,00,000/- to opposite party no. 2 within a period of one month from today and it was directed that the balance amount of Rs. 3,00,000/- shall be paid by him within a total period of four months. It was also observed in the said order that in case, the first installment of Rs. 3,00,000/- is not paid to the opposite party no. 2 within a period of one month from today, it would be open for the learned Advocate for the opposite party no. 2 to have the case listed for further consideration. Further it was jointly submitted by the parties that agreement also refers to the requirement of opposite party no. 2 to assist and provide all cooperation to the petitioner for obtaining a decree of divorce by mutual consent.

It has been submitted by learned counsel for the petitioner that in pursuance of the order dated 31.7.2018, the petitioner has deposited Rs. 6,00,000/- in the court of Principal Judge, Family Court, Sitamarhi.

Learned counsel for the opposite party no. 2 has not controverted the same but has submitted that the aforesaid



amount has not yet been released in favour of opposite party no.  
2.

In such view of the matter, the aforesaid amount so deposited by the petitioner in the court of Principal Judge, Family Court, Sitamarhi is directed to be released in favour of opposite party no. 2.

It is made clear that both the parties shall withdraw the case, if any, filed against each other and further it is incumbent upon the opposite party no. 2 to cooperate the petitioner for obtaining a decree of divorce by mutual consent.

With the above observation and direction, this revision application stands disposed of.

**(Vinod Kumar Sinha, J)**

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