

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.284 of 2017

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Mamta Kumari @ Mamta Devi, wife of Ranjeet Kumar, D/o Rameshwar Thakur Resident of Village- Sukiyama PS Hulasganj, Distt- Jehanabad. A/P Ranipur, P.S. Kako, Distt- Jehanabad.

... .. Appellant/s

Versus

Ranjeet Kumar, Son of Ramautar Thakur, Resident of Village-Sukiyama P.S- Hulasganj, Distt.- Jehanabad.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Ashok Kumar Choudhary, Advocate Mr. Akshansh Ankit, 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 : 25-09-2018

We have heard parties.

This appeal has been preferred by the appellant-wife against the part of the judgment dated 2.02.2017 passed by the Principal Judge, Family Court, Jehanabad in Matrimonial Case No.137 of 2010 which was filed by the respondent under Section 13 of the Hindu Marriage Act for annulment of marriage by grant of decree of divorce, which was allowed by the impugned judgment and the judgment of annulment of marriage by granting divorce was passed.

Learned counsel for the appellant has submitted before us that the appellant has only come for enhancement of amount of alimony granted by the court below.



Today, an affidavit has been filed on behalf of the respondent clearly stating that the respondent is ready to pay Rs.3 lacs to the appellant as per the order of the Family Court within a period of four months from today. The respondent is also ready to pay Rs. 2 lacs for the first issue which the respondent accepts to be his daughter but in any government bond/fund/saving certificate.

However, at the time of hearing, learned counsel for the respondent submits that his client is ready to even transfer the amount by way of bank transfer or cash deposit.

On such undertaking given by learned counsel for the respondent, learned counsel for the appellant has also submitted that the appellant would have no objection if such amount is paid to her but not through any government bond/fund/saving certificate. Rather the amount should be directly paid in her saving account details of which should be provided by her to the learned counsel for the respondent within a period of one week along with IFSC code.

Since both the parties have agreed to the aforesaid and it is also undertaken by learned counsel for the respondent that at the time of marriage of her daughter, he would provide sufficient assistance and he would also provide financial assistance as required in future regarding higher education of the child concerned to the best of his ability, learned counsel for the appellant seeks leave to withdraw this appeal.



Having regard to the peculiar facts and circumstances, which has arisen during the pendency of this appeal, such leave is granted to the appellant.

Accordingly, this appeal is dismissed as withdrawn but the aforesaid observations, findings and undertaking as mentioned would be binding upon the parties.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.09.2018
Transmission Date	29.09.2018

