

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.924 of 2017

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Sanjay Kumar son of Sri Sitaram Yadav resident of Village- Sabdalpur, P.S. Sahebpurkamal Pargana/ Sub-division Balia, District- Begusarai.

... .. Appellant/s

Versus

Smt. Madhulata Devi wife of Sanjay Kumar Daughter of Sri Satyadeo Azad, Now resident of Anandpur Paras, P.S. Allouli, Post- Allauli, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhay Kumar Singh, Advocate Mr. Bharat Bhushan, Advocate Mr. Siddhartha Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vivekanand Singh, 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 : 14-05-2018

Both the husband and wife are present before us.

At the time of hearing, learned counsel for the appellant confines this appeal to only part of the impugned judgment dated 18.07.2017 passed by the Principal Judge, Family Court, Begusarai in Divorce Case No. 88 of 2011 by which the court below has imposed compensation of Rs. 5 lacs to be paid to the respondent by the appellant. Though finally divorce has been granted on the ground of irretrievable break down of marriage, since neither the husband nor the wife has challenged that part of the order, we will not go into the merit of the appeal.



The husband has filed a supplementary affidavit stating that he is agreed to pay a compensation amount of Rs.4 lacs in place of Rs. 5 lacs which has been imposed by the court below.

The wife has also filed an affidavit stating that she would be satisfied if Rs. 4 lacs is given to her.

Both of them have stated before us that they are agreeable to such terms and conditions.

Accordingly, this appeal stands disposed of with modification in the impugned judgment to the extent that in place of Rs. 5 lacs, the appellant would be liable to pay Rs. 4 lacs within a period of four months. The amount would be credited into SB A/C No. 536702010010178 of Union Bank of India, Khagaria Branch, Khagaria of the respondent within four months from today.

On payment of such amount, the respondent-wife has agreed before us that she will withdraw Khagaria Mahila P.S. Case No. 06/2012 dated 21.1.2012 registered under Sections 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act, which is pending in the court of Sub-Divisional Judicial Magistrate, Khagaria.

If such petition is filed before the court below, the same would be required to be considered in accordance with law in line



with the various decisions of the Courts including the Apex Court considering such cases to be family matters.

In case the amount of Rs. 4 lacs is not paid within a period of four months then the respondent would be at liberty to file a petition before this Court for revival of this appeal.

Accordingly, this appeal stands disposed of in terms of the aforesaid findings, observations and directions.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
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