

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRR-4113-2015 (O&M)
Date of decision: 19.01.2018**

Than Singh

...Petitioner

Versus

Savita Devi

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Arti, Advocate
for the petitioner.

Mr. Rohit Kaushik, Advocate for
Mr. Keshav Prtap Singh, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

1. The instant revision petition has been filed seeking quashing of judgment dated 17.07.2015, passed by the Additional Sessions Judge, Faridabad wherein the appeal filed by the petitioner herein was dismissed upholding the order dated 24.02.2014 passed by the JMIC, Faridabad by which order the petitioner was directed to allow the respondent herein to reside in the same house or in alternative to provide her alternative accommodation in the same locality or in lieu thereof he was directed to pay a sum of Rs. 5,000/- as rent in case he failed to provide her proper accommodation.

2. In brief, the facts are that the petitioner and respondent herein solemnized their marriage in May, 1979 as per Hindu rites and rituals. Out of this wedlock, one son and two daughters were born, however, the son, namely Dhirender, died on 21.07.2004. Out of two daughters, one namely

Neeraj Kumari, who is deaf and dumb, was married on 11.07.2007 and the second one, namely Nisha was born on 18.08.1989. The relations between the parties herein became strained and thereafter litigation was filed by both parties against each other. A divorce petition under Section 13(i-a) of the Hindu Marriage Act on the basis of the cruelty on the part of the respondent-wife was allowed in favour of the petitioner. Aggrieved, the respondent-wife filed an appeal bearing **FAO-6480-2010** titled as **Savita Devi vs. Than Singh** which is admitted and pending consideration before this High Court. The respondent-wife also filed a complaint under Sections 12, 17, 19 (i-a, c to f), 20 and 22 of the Protection of Women from Domestic Violence Act, 2005. The said complaint was decided by the JMJC, Faridabad by his order dated 24.02.2014. The claim of the complainant with regard to domestic violence was rejected, however, while determining the matter of residence, JMJC observed that respondent-husband is legally and morally bound to provide residence to the complainant-wife and directed the respondent-husband to allow the complainant-wife to reside in the same house or in alternative to provide her alternative accommodation in the same locality or in lieu thereof he was directed to pay a sum of Rs. 5,000/- as rent in case he failed to provide her proper accommodation. Aggrieved of the said order, the petitioner-husband preferred an appeal before the learned Additional Sessions Judge, Faridabad which was dismissed by the impugned order dated 17.07.2015. Hence, the present revision petition.

3. During the pendency of the instant petition, learned counsel for the parties submitted before this Court that the matter may be referred to

Mediation and Conciliation Centre of this Court as there were some chances of amicable settlement between the parties. Consequently, they were directed to appear before the Mediation and Conciliation Centre of this Court on 15.09.2017 by an order dated 30.08.2017. In compliance with the said order, the parties appeared before the Mediation and Conciliation Centre along with their respective counsel. Both the daughters also put in their appearance. Numerous sittings took place between the parties and finally with the able assistance and guidance of Mr. Pankaj Mehta, Mediator, the parties settled their dispute and arrived at a settlement/agreement. The settlement/agreement was reduced in writing and placed on record wherein it was agreed as under:

- a) That it has been fairly agreed between the parties that second party (respondent herein) will withdraw the FAO No. 6480 of 2010 and first party (petitioner herein) will have no objection if said FAO is withdrawn. She will approach to the Hon'ble High Court by moving an application for early hearing alongwith application for withdrawal of the said FAO.
- b) It has been agreed between the parties that the present criminal revision petition bearing no. 4113 of 2015 will be withdrawn by the first party in terms of the present settlement and second party shall have no objection in this regard.
- c) By considering the fact with regard to welfare of the daughters, both the parties have further agreed that property/one house measuring 57.3 sq.yd. situated at Revenue Estate, Ballabgarh, Chawla Colony, District Faridabad is transferred in the name of their two daughters in equal shares namely Neeraj Kumari and Nisha. At present, respondent-second party is residing at

the same property and second party shall have the right to stay there throughout her life. Both the daughters will be the joint owner of this house/property. Both the parties and their daughters will cooperate and follow the procedure amicably with regard to transfer the said house/property as mentioned above. The above mentioned transfer will be effected after withdrawal of the pending cases. The description of the property/house has been given in the sale deed dated 23.12.1998 and copy of the same sale deed is executed by Chandrika Prasad son of Shri Tilak Dhari in favour of the first party Than Singh is taken on record as annexure 'E'.

- d) It has been fairly agreed by the second party-respondent that legal notice dated 10.08.2015 addressed to Shri Virender Dagar, Advocate which was sent to the first party namely Than Singh, is withdrawn in view of the settlement made herein. The copy of the legal notice dated 10.08.2105 is attached as annexure 'F'.
- e) It has been fairly agreed by the second party-respondent that she will not pursue application dated 20.12.2005 moved to DSP, Faridabad for taking action against the first party-petitioner in view of this present settlement and withdraw the same.
- f) Both the parties have been agreed to withdraw all the cases filed by either of the parties on the date already fixed before the concerned Court.
- g) It has been further decided between the parties that in case of coming into knowledge of any petition or case filed by any of the parties against each other, the same shall be liable to be withdrawn or closed by both the parties or any of the party by tendering a copy of the present compromise. It has been agreed between the parties that second party and daughters and their children will not claim any property from the first party in any manner in

future.

4. Therefore, keeping in view the fact that the dispute has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court and a settlement/agreement has also been reduced in writing, this revision petition is allowed and the judgment dated 17.07.2015, passed by the Additional Sessions Judge, Faridabad and order dated 24.02.2014, passed by the JMIC, Faridabad are hereby quashed. The parties are bound by the terms of the settlement/agreement arrived at between them.

19.01.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No