

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 109 of 2018

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Smt. Deepawali Prasad @ Deepali Prasad W/o Shri Bipin Kumar Prasad, D/o Shri Bishwanath Prasad R/o Khagdi Road, Takiyapar behind Nagar Parishad, P.O. - Digha P.S. Danapur, Distt. - Patna, Bihar.

... .. Appellant

Versus

Bipin Kumar Prasad S/o Shri Vijay Shankar Prasad R/o C/o Shri Bijendra Singh above Oriental Bank of Commerce, N.H. 24 Main Road, Gajraula, Distt. - Amroha U.P.

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Ambastha, Advocate
For the Respondent/s : Mr. Ajay Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 17-12-2019

One petition/affidavit is filed on behalf of the respondent mentioning therein the cases pending between the parties before different courts. Let it be kept on record.

2. Cheque, bearing no. 238218 dated 03-12-2019 of I.C.I.C.I Bank, Noida for an amount of Rs. 2,00,000/- (two lacs) issued in favour of the appellant Deepawali Kumari, is produced on behalf of the respondent and same is handed over to appellant Deepawali Kumari on proper identification of her learned counsel Sri Manoj Kumar Ambastha. The appellant puts her



signature on the margin of the ordersheet in receipt of the above-stated cheque. It is made clear that if on presentation of the above-stated cheque, the cheque becomes bounce, the appellant may take legal recourse against the respondent.

3. Since the parties have already settled the dispute in the terms of Compromise Petition dated 21-10-2019 and one of the terms is for withdrawal of the cases pending between the parties in different court, this Court directs both the parties to file joint petition before the concerned courts where their cases are pending.

4. The learned Sub-Divisional Judicial Magistrate, Danapur is directed to dispose of the Complaint Case No. 31(C) of 2015 and Complaint Case No. 1158 of 2018 pending in his court in the light of compromise arrived at between the parties after taking joint petition from both the parties and if necessary, after recording the statements of both the parties and furthermore, the respondent shall file a petition before the Family Court, Amroha (U.P.) for withdrawal of Divorce Suit No. 123 of 2015 within a period of one month from today.

5. In view of above-stated facts and circumstances, this appeal stands disposed of in the light of terms and



conditions of the compromise arrived at between the parties.

This order shall be part of the decree.

(Hemant Kumar Srivastava, J.)

(Prabhat Kumar Singh, J.)

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AFR/NAFR	NAFR
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