

HIGH COURT OF CHHATTISGARH, BILASPUR
FAM No. 75 of 2017

---- Appellant/plaintiff

---- Respondents/ Defendants

Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Vimla Singh Kapoor,

2. By the impugned judgment and decree the trial Court has dismissed the appellant's application for grant of divorce under Section 13 of the Hindu Marriage Act, 1955.

3. During the pendency of the appeal, the matter was referred for mediation. The mediation report in form of an agreement between the parties states thus:

Now, both the parties have arrived at a final conclusion and hence the matter has been settled upon the terms to which both the parties agree with their full consent. The terms of settlement to which both the parties have agreed are as follows:-

- 1) Both the parties have reached on a conclusion that there is no chance for living together and since their matrimonial relation comes to an end, so thereafter, they are willing to obtain decree of divorce.
- 2) That, the first party namely Satish Pandey will pay Rs. 10,25,000/- (Ten Lac & twenty five thousands) to the second party in the name of Dipti Chaturvedi, through Bank draft towards final settlement amount before the Hon'ble High Court when the case No. FAM No. 75 of 2017 will be heard and considered on mediation report. The second party will issue a separate receipt for receiving the amount in favour of First Party i.e. Shri Satish Pandey.
- 3) The second party has earlier moved an application under Section 125 CrPC in which an order dated 8.12.2018 in case No. MJC No. 857 of 2018 was passed by the Family Court, Bilaspur and according to that a

monthly maintenance amount 4500/- (Four thousand five hundred) was ordered against the first party to be paid to the second party. Since, now the matter is amicably settled in between the parties in the Mediation process, so both the parties are agreed that here-in-after the order dated 08.12.2018 passed by Family Court, Bilaspur now comes to an end and further both the party will jointly pray before the Hon'ble High Court for set aside the order dated 08.12.2018 on the basis of the present agreement.

4) That there is no article is to be received by the second party from first party and in the similar manner first party also does not desire anything or any article from the second party.

5) That both the parties are withdrawing all the allegations made against each other in the proceedings before the Courts and the authorities concerned. Further, they will not utter any allegation/reaction in future so as to create complication in life of each other.

4) Appellant Satish Pandey has handed over one demand draft of Rs. 4,25,000/- and another bankers cheque for Rs. 6,00,000/- both in favour of respondent Dipti Chaturvedi, as mentioned in paragraph -2 of the settlement. Respondent Dipti Pandey/Dipti Chaturvedi would accept the cheques in the Court itself.

- 5) In view of the agreement between the parties, the appeal stand disposed of in terms of the agreement, as reproduced above.
- 6) A decree be drawn up in terms of the above quoted settlement.

Sd/-
Judge
Prashant Kumar Mishra

Sd/-
Judge
Vimla Singh Kapoor