

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1063 of 2018

Chandan Toppo S/o Kamil Toppo Caste Oraon Religion Christian Aged About 30 Years R/o Karsi Post Police Station And Tahsil Pratappur , District Surajpur Chhattisgarh.

---- Applicant

Versus

Sarita Ekka D/o Lazrus Ekka W/o Chandan Toppo Aged About 30 Year Caste Oraon Religion Christian ,r/o Quater No. 218, ward No. 26 Chief House Bartunga Post And Police Station Chirmiri, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For Applicant	: Shri I. Lakra and Smt. Avit Lakra, Advocates.
For Respondent	: Mr. Lavkush Kumar Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-11-2019

1. This revision petition has been brought challenging the legality, propriety and correctness of the order passed by the Judge of Family Court, Manendragarh, District Korea in Miscellaneous Criminal Case No. 76 of 2017 on 15.5.2018 ordering the payment of maintenance of Rs.6,000/- per month to the respondent by the applicant. During the pending of this revision petition, by the order of this Court on 27.8.2019, the parties were sent for mediation proceeding. The report of Mediation Committee has been received. According to which, the parties have settled their differences on the terms mentioned in the report. Firstly, the respondent has agreed to receive Rs.3,25,000/- in lump-sum in the head of all future maintenance, relinquishing of other claims from him. Secondly, the applicant has agreed to deliver the motorcycle bearing registration

No.C.G.-15CP-3272 which he has received as gift in the marriage from the father of the respondent.

2. It is submitted by counsel for both the parties that this revision petition may be disposed of on the basis of the terms agreed between the parties. It is also submitted that an agreement has taken place to conclude and terminate all the other pending cases which are pending between the parties, one of them being a prosecution under Section 498A of the Indian Penal Code and another being a complaint under Section 12 of the Protection of Women from Domestic Violence Act. The parties are present in person who have made a statement in this respect before this Court. In fulfillment of the terms of compromise, the respondent has stated about receiving Rs.1,45,000/- in her bank account from the applicant on an earlier date and the remaining amount of Rs.1,80,000/- has been received in the Court from the applicant in cash regarding which, she has returned a receipt in favour of the applicant.
3. Copy of the receipt has been produced before this Court and it is further supported by the statement of the respondent herself who is present before this Court. The copy of the receipt itself shows about the handing over of the motorcycle as agreed in the statement before the Mediation Committee and both the parties present made a statement also in this respect. Therefore, looking to the statement of compromise between the parties, no purpose is going to be served if the order under challenge in this revision petition is not interfered with. Therefore, under these circumstances, I feel inclined to allow this revision petition.

4. Accordingly, this revision petition is allowed and the impugned order passed by the Courts below is set aside. As regards, the terms of agreement for settling the other cases pending between the parties, the parties are at liberty to pursue the same in the Courts where such cases are pending.

5. Certified copy of the order as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi