

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 1453 of 2019 (O&M)

Date of Decision: February 24, 2020

Jagdev SinghPetitioner
Vs.
Kirandeep Kaur ..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

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Present:- Mr. P.S. Dhaliwal, Advocate
for the petitioner along with petitioner.
Mr. G.S. Khokhar, Advocate for
Mr. M.R. Chaudhary, Advocate for the respondent,
along with respondent.

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MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 29.01.2019, passed by District Judge, Family Court, Barnala, whereby certain visiting rights were granted to the respondent-wife.

This Court on 15.07.2019, passed the following order:-

“Learned counsel for the petitioner submits that due to some miscommunication between himself and his client the petitioner could not appear. While expressing regret, he submits that he has instructions to submit before this Court that his client is agreeable to an amicable settlement of the dispute with the respondent.

The respondent, who is present in Court, is also agreeable to sit across the table with the petitioner for settling the dispute between them.

In view of the above, parties are directed to appear before the Mediation & Conciliation Centre of this Court

on 05.08.2019 at 11:00 AM. On that day the petitioner is directed to bring with him the minor child of the parties so that the respondent can spend some time with her.

Adjourned to 18.09.2019.

As an interim measure, learned counsel for both parties agree that on 31.07.2019 i.e. on the birthday of the respondent, the respondent shall pick up her child at 2:00 PM from the residence of the petitioner to take her to Bathinda to celebrate her birthday and that the petitioner shall take the minor child back from the respondent's residence at Bathinda on the same day at 8:00 PM.”

In terms of the above order, report dated 17.02.2020, has been received from the Mediator and which says that matter is amicably settled between the parties, and the relevant part of the settlement reads as under:-

“7 (i) Both the parties have agreed to settle the matter permanently for once and all and the husband/first party will pay an amount of Rs.21,00,000/- + Rs.2,00,000 (Rupees Twenty three lacs only) to the second party/ wife in the form of permanent alimony and maintenance (past, present and future) and for maintenance of their daughter namely, Divjot Kaur out of the total amount of Rs.23,00,000/- (Rupees Twenty three lacs only). It is mutually agreed by both the parties that out of the above-mentioned total amount of Rs.23,00,000/- (Rupees Twenty three lacs only), an amount of Rs.4,00,000/- (Rupees Four lacs only) shall be kept in the form of FDR in the favour of Divjot Kaur, minor

daughter by the first party-Jagdev Singh from his bank account and the said FDR will be encashed only when the said Divjot Kaur, minor daughter attain the age of majority and during this period, the said FDR will be get renewed as and when required by the parties and second party-Kirandeep Kaur shall be the nominee in FDR. The second party/ wife has already received Rs.10,50,000/- (Rupees Ten Lacs and fifty thousand only) for the permanent alimony from the first party/ husband and the remaining amount of Rs.8,50,000/- (rupees Eight Lacs and Fifty thousand only) will be paid by the first party/ husband in favour of second party/wife namely Kirandeep Kaur by way of draft on the date of final statement of 13-B of HMA, before the Ld. Family Court, Barnala and the custody of the child namely, Divjot Kaur will be handed over to the second party/ wife on the date of final statement in petition under Section 13-B of HMA before the Ld. Family Court, Barnala.”

Even before this Court also, both sides are present and stated that they have no objection against the settlement recorded above and no grievance is left against each other.

According to the settlement between the parties, now the girl child will be handed over to the respondent at the time of final decision of petition under Section 13-B of the Hindu Marriage Act. Out of total settlement amount of Rs.23 lacs, Rs.10.50 lacs has already been received by the respondent wife and the remaining

amount of Rs.8.5 lacs shall be paid to her on or before 29.02.2020.
Settlement also reveals that remaining amount of Rs.4 lacs shall be kept in the FDR in favour of minor child i.e. Divjot Kaur.

In view of the settlement between both sides, the cases pending against each other shall be withdrawn.

With the above observations, the present petition is disposed off.

It is clarified that in case the terms and conditions of the settlement are violated by either side, legal consequences shall follow.

February 24 , 2020
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.