

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through Video Conferencing****FAM No.253 of 2019**

Rajdeep, son of Dashrathlal Tamrakar, aged about 31 years, resident of Behind P.H.E. Durg Road Singhouri, Bemetara, District Bemetara (CG).
---- Appellant

Versus

Smt. Priyanka, wife of Rajdeep, aged about 27 years, resident of Behind Sayasagar Press, Kila Mandir Road, Tamer Para, Durg, District Durg (CG).
---- Respondent

AND**FA(MAT) No.48 of 2020**

Rajdeep Tamrakar, son of Shri Dashrathlal Tamrakar, aged about 30 years, resident of Behind of P.H.E. Office, Mohalla Singhori, Ward No.10, Bemetara, P.S. and Tahsil Bemetara, District Bemetara, Chhattisgarh, through Shri Dashrath Lal Tamrakar (Retired Senior Clerk) House No.H-17, M.R.P. Colony, Rudri, Post Rudri, Tahsil and District Dhamtari (CG).
---- Appellant

Versus

Smt. Priyanka Tamrakar, wife of Rajdeep Tamrakar, aged about 26 years, at present resident of Killa Mandir Road, Tamer Para, Durg, P.S. Durg, Tahsil and District Durg (CG).

---- Respondent**AND****CRR No.239 of 2020**

Rajdeep Tamrakar, son of Shri Dashrathlal Tamrakar, aged about 30 years, resident of Behind of P.H.E. Office, Mohalla Singhori, Ward No.10, Bemetara, P.S. and Tahsil Bemetara, District Bemetara, Chhattisgarh, through Shri Dashrath Lal Tamrakar (Retired Senior Clerk) House No.H-17, M.R.P. Colony, Rudri, Post Rudri, Tahsil and District Dhamtari (CG).
---- Applicant

Versus

Smt. Priyanka Tamrakar, wife of Rajdeep Tamrakar, aged about 26 years, at present resident of Killa Mandir Road, Tamer Para, Durg, P.S. Durg, Tahsil and District Durg (CG).

---- Respondent

For Appellant : Mr. Pallav Mishra, Advocate
 For Respondent : None present.

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice
Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

By

Hon'ble Shri Prashant Kumar Mishra, J.

10.08.2021

1. The parties were sent for mediation. They have settled their pending disputes in FA(MAT) No.48/2020, FAM No.253/2019 and CRR No.239/2020.
2. Shri Pallav Mishra, learned counsel appearing for the appellant submits that CRR No.239/2020 is cognizable by Single Bench. Since the parties have resolved to close their all three cases, we direct the Registry to list CRR No.239/2020 today itself before this Bench.
3. FAM No.253/2019 is an appeal filed by the appellant/husband against the impugned judgment and decree dated 17.07.2019 passed in Civil Suit No.08-A/2017 by the Family Court, Bemetara, District Bemetara (CG) dismissing the appellant/husband's suit for divorce under Section 13 of the Hindu Marriage Act, 1955.
4. FA(MAT) No.48/2020 is an appeal filed by the appellant/husband challenging the impugned judgment and decree dated 31.12.2019 of the First Additional Principal Judge, Family Court, Durg passed in Civil Suit No.03-A/2016 allowing respondent/wife's application under Section 9 of the Hindu Marriage Act.
5. CRR No.239/2020 has been preferred by the applicant/husband challenging the order dated 31-12-2019 passed by the First Additional Principal Judge, Family Court, Durg in Misc. Criminal Case No. 5/2016 under Section 125 of CrPC allowing monthly maintenance of Rs.3,500/- to the respondent/wife.
6. Parties to the proceeding were sent for mediation by the order dated 09.03.2021. The Officer/Mediator has drawn the proceedings and submitted the mediation report along with Settlement Agreement recorded between the parties on 06.08.2021.
7. The entire Settlement Agreement is reproduced hereunder for reference.

“SETTLEMENT AGREEMENT

This Settlement Agreement entered into on 06.08.2021 between:-

Rajdeep Tamrakar,

R/o Behind of P.H.E. Office, Mohalla Singhori, Ward No.10,
Bemetara, P.S. and Tahsil Bemetara,
District Bemetara (CG) through
Shri Dashrath Lal Tamrakar,
House No.17, M.R.P. Colony,
Rudri, Post Rudri,
District Dhamtari (CG)

Party No.1

AND

Smt. Priyanka Tamrakar,

At present R/o Killa Mandir Road, Tamer Para, Durg,
Police Station Durg, District Durg (CG).

Party No.2

This Settlement Agreement entered into on this 06.08.2021 between
Rajdeep Tamrakar and Smt. Priyanka Tamrakar.

Whereas:

1. Disputes and differences had arisen between parties hereto and Party No.1 filed following cases before Hon'ble High Court of Chhattisgarh-

(a) FA(MAT) No.48/2020 against order dated 31.12.2019 passed by Family Court, Durg in Civil Suit No.03A/2016.

(b) FAM No.253/2019 against order dated 17.07.2019 passed by Family Court, Bemetara in Civil Suit No.08A/2017.

(c) Cr.R. No.239/2020 against order dated 31.12.2019 passed by Ist Additional Principal Judge, Family Court, Durg in Miscellaneous Criminal Case No.05/2016.

2. The matter was referred to mediation vide order dated 23.03.2021 by Hon'ble High Court of Chhattisgarh, Bilaspur, Chhattisgarh in FA(MAT) No.48/2020, FAM No.253/2019 and Cr.R. No.239/2020.

3. Smt. Anubhuti Marhas, Advocate was appointed as Mediator.

4. Meetings were held during the process of mediation on 06.04.2021, 26.07.2021, 29.07.2021 and 06.08.2021 and the parties have with the assistance of mediator voluntarily arrived at an amicable settlement resolving the above mentioned dispute and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this settlement/agreement in presence of the Mediator.

6. The following settlement has been arrived at between the parties hereto:

A. Party No.1 has agreed to pay one time permanent alimony/maintenance of Rs.10,00,000/- (Rupees Ten Lakhs Only) in two installments to Party No.2 to which Party No.2 has agreed and consented. Party No.1 has given a cheque of Rs.5,00,000/- (Rupees Five Lakhs Only) vide cheque No.000324 dated 06.08.2021 and another cheque of Rs.5,00,000/- (Rupees Five Lakhs Only) vide cheque No.000326 dated 06.11.2021 of ICICI Bank, Bemetara in presence of parties and the mediator. Both the cheques are handed over to Party No.2 Smt. Priyanka Tamrakar today i.e. on 06.08.2021. The matter be placed before this Hon'ble Court for further directions.

B. In view of above terms of settlement, Party No.1 shall take appropriate steps to withdraw FA(MAT) No.48/2020, FAM No.253/2019 and Cr.R. No.239/2020 filed by him before Hon'ble High Court of Chhattisgarh with immediate effect. Party No.2 shall also take appropriate steps to withdraw Case No.881/2014 filed under Domestic Violence Act pending in the Court of Judicial Magistrate First Class, Durg with immediate effect and any other case filed or pending before this Settlement Agreement.

Further in view of settlement arrived between the parties, Party No.1 will not further pursue and initiate any civil and criminal proceedings against Party No.2 and any of her family members for any dispute and grievances. Similarly Party No.2 shall not pursue and initiate any civil and criminal proceedings against

Party No.1 or any of his family members for any dispute and grievances.

C. As a result of this settlement agreement, parties have also agreed and shall file appropriate application before competent court to obtain decree of divorce.

7. By signing this agreement the parties hereto state that they have no further claim or demands against each other with respect to cases mentioned above and the parties hereto through the process of mediation in this regard have amicably settled all disputes and differences.

The agreement is signed on 06.08.2021 by the parties to the agreement in presence of Mediator at Mediation Centre, High Court of Chhattisgarh at Bilaspur (CG).

Copies of Settlement Agreement are being handed over to both the parties.”

8. Since the parties had appeared before the Mediator and their signatures are available in the Settlement, their separate presence today is not required.

9. In terms of Clause 6.B of the Settlement, Party No.1 i.e. Rajdeep Tamrakar/husband has agreed to withdraw all the three cases i.e. FA(MAT) No.48/2020, FAM No.253/2019 and CRR No.239/2020. Therefore, Shri Pallav Mishra, learned counsel appearing for the appellant seeks permission of this Court to withdraw the abovementioned appeals and revision petition in terms of settlement arrived between the parties.

10. Accordingly, FAM No.253/2019, FAM(MAT) No.48/2020 & CRR No.239/2020 are dismissed as withdrawn. The settlement arrived between the parties are recorded and shall form part of the record of the proceedings in all the abovementioned three cases.

11. Copies of Settlement Agreement be retained in all the abovementioned three cases.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(N.K. Chandravanshi)
Judge

L/-