

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****FAM No. 142 of 2018**

- Smt. Ratna Ghosh W/o Saurabh Ghosh, Aged About 30 Years At Present R/o Hemu Nagar, Bakery Gali, Torwa, P.S. Torwa, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

- Saurabh Ghosh S/o S.K. Ghosh, Aged About 36 Years R/o Hemu Nagar, Behind Hindu Milan Mandir, P.S. Torwa, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent**FAM No. 135 of 2018**

- Smt. Ratna Ghosh W/o Saurabh Ghosh Aged About 30 Years At Present R/o Hemu Nagar, Bakery Gali, Torwa, P.S. Torwa, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

- Saurabh Ghosh S/o S.K. Ghosh, Aged About 36 Years R/o Hemu Nagar, Behind Hindu Milan Mandir, P.S. Torwa, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Appellant	-	Shri Sudhir Kumar Bajpai and Ms. Nirupama Bajpai, Advocates.
For Respondent	-	Shri Anshu Patre, Advocate.
Both the Parties	-	Smt. Ratna Ghosh and Shri Saurabh Ghosh are also present.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Smt. Justice Rajani Dubey

Judgment On Board

By

Hon'ble Shri Prashant Kumar Mishra J.

15-03-2021

1. Heard.
2. In FAM No.142 of 2018 preferred by wife challenge is to the decree passed by the trial Court rejecting her application for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955.
3. In FAM No.135 of 2018 again preferred by the wife challenge is to the decree of divorce allowed by the trial Court in favour of the respondent/husband.
4. During pendency of the appeals, the parties were sent for mediation which has been reported successful and the parties have settled their dispute amicably with the following terms and conditions:-

1. It is agreed between the parties that they shall join each other as husband and wife on 19-03-2021 and shall live as family with their minor son in the matrimonial home.

2. It is further agreed between the parties that the husband shall take care of all miscellaneous expenses

of his wife as and when required by the wife.

3. *It is agreed between the parties that the husband shall maintain the wife and minor son properly and shall bear all the expenses qua household. Medical, education of child etc. and the wife shall do/see all the household work and carry her responsibilities as a dutiful daughter in law of the house.*
4. *It is agreed between the parties that they shall live peacefully and in perfect harmony thereby fulfilling their entire matrimonial obligation towards each other and towards family members and relatives.*
5. *It is agreed between the parties that they shall give due love & respect to each other and shall not give any chance of complaint to each other and would make endeavors to settle their differences if any in private without any showdown.*
6. *It is agreed between the parties that they shall focus on the upbringing of their minor son without any squabbles and bickering.*
7. *It is agreed between the parties that the family members or relatives of both the parties shall not interfere unnecessarily in their peaceful matrimonial life. It is further agreed that wife shall not frequent her parent's home as per her whims and fancies and shall go to her parent's home in case of any emergency and on festive occasions with the due permission of her husband.*

8. *It is agreed between the parties that the wife shall withdraw all the cases i.e. complaint under Section 12 of Domestic Violence Act, and the petition under Section 127 of Cr.P.C. within three months from the date of joining at her matrimonial place, as agreed herein above. So also the husband shall withdraw the case pertaining to Child custody within three months of joining of his wife with him in the matrimonial house. Both parties undertake not to institute any proceeding (Civil or Criminal) against each other in future and further undertake to settle any dispute arising in future amicably peacefully, amongst themselves.*
9. *It is agreed between the parties that this settlement is arrived between the parties of their own free will, volition and consent and without there being any undue pressure, coercion, influence misrepresentation or mistake (both of law and fact), in any form, whatsoever, and the settlement agreement has currently recorded the said agreed terms and the same has been read over and explained to the parties in vernacular.*
10. *Both the parties undertake that they will abide by and be bound by the agreed terms/stipulations of the settlement agreement. A copy of settlement be given to both the parties free of cost and the matter be placed before the Mediation Centre for appropriate action.*

During mediation proceeding, the assistance, support and cooperation rendered by Advocates Shri Dhirendra Pandey and Ms. Nirupama Bajpai is appreciable.

5. In view of the above settlement, both the proceeding are closed and the appeals stands disposed of.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Rajani Dubey)
Judge

Amardeep