

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

F.C.A.Nos.171 and 176 of 2007

COMMON JUDGMNET: (Per the Hon'ble the Chief Justice Hima Kohli)

1. The present appeals have been preferred by the appellant/husband being aggrieved by the common judgment dated 29.09.2007, passed by the learned Family Court dismissing a petition for divorce filed by him and allowing a petition for restitution of conjugal rights filed by the respondent/wife.
2. The records reveal that the parties had got married on 28.05.1999 and had separated on 09.10.1999. They were blessed with a son, who by now has attained the age of 20 years. There has been no interaction between the parties over the past two decades.
3. On the last date of hearing, keeping in mind the aforesaid facts and circumstances of the case, we had requested the parties to remain present with the respective counsel. Today, the appellant/husband and the respondent/wife are present along with their respective counsel. Offers and counter offers have been exchanged by the parties to arrive at a one time settlement on the appellant/husband paying a lumpsum amount to the son of the parties, towards his education, maintenance etc. We may add here that both the parties are gainfully employed and

therefore, the respondent/wife is not claiming any amount towards her maintenance from the appellant/husband.

4. The matter was passed over twice. On the third call at 3:15 PM, both the parties state that they have agreed that on the appellant/husband paying a sum of Rs.25,00,000/- to the son of the parties, who resides with the mother, the respondent/wife shall cooperate with the appellant/husband in moving a joint application for divorce by mutual consent.

5. The parties have agreed that they shall move a joint petition for divorce by mutual consent before the learned Family Court within three weeks. When they appear before the Family Court, the appellant shall hand over to the respondent, a Demand Draft of the first instalment of Rs.10,00,000/- (Rupees Ten Lakhs Only) drawn in favour of the son. The remaining sum of Rs.15,00,000/- shall be deposited by the appellant/husband directly into the account of his son within two months from the date of filing the joint application before the Family Court. In the event the appellant/husband defaults in paying the first instalment within the stipulated time, the said amount shall carry an interest at the rate of 12% per annum to be paid along with the final instalment. The respondent/wife undertakes to cooperate with the appellant/husband in the expeditious disposal of the petition for divorce by mutual consent including making a request to the learned Family Court to curtail the cooling off period in the light of

the fact that the parties have admittedly been residing separately since October, 1999.

6. Both the parties are bound down by the terms and conditions of settlement recorded hereinabove. They shall file their respective affidavits affirming the terms and conditions of the settlement within one week from today while exchanging copies with each other.

7. The present appeals are disposed of in terms of the settlement arrived at between the parties along with the pending applications, if any.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

30.06.2021
JSU/vs