

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.15 of 2019

Purna Ch. Sahu

.....

Appellant

Mr. S.K. Pradhan, Advocate

-versus-

Rasmita Sahu

.....

Respondent

Mr. K. GAYA, AGA

CORAM:

JUSTICE C.R. DASH

JUSTICE M.S. SAHOO

ORDER

18.04.2022

MATA Nos.15 of 2019 & 16 of 2019

And

I.A. No.81 of 2022

Order No.

12.

1. These matters are taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. Purna Chandra Sahu (Appellant-husband) and Rasmita Sahu (Wife-Respondent) have come to composition on the basis of terms contained in Paragraph-8 of I.A. No.81 of 2022 filed before this Court U/o.23, Rule-3 of CPC r/w Chapter-VI, Rule-27(a) of Orissa High Court Rules.
4. The present MATA and MATA No.16 of 2019 are disposed of on the basis of terms of compromise in Paragraph-8 of the aforesaid I.A. The terms of the compromise between the parties are reproduced below:

“8. That, as the aforesaid proceedings are pending for adjudication and near future there is no possibility of end of the dispute among the parties, more over as there is no possibility of reunion among the parties, in the intervention of well wishers and friends, both the parties have reached at a compromise with the following terms and conditions;

i. Both of them agree for divorce and decree passed by the learned Family Judge, Ganjam in counter claim of CRP No.164 of 2016 is to be declared valid.

ii. It is also agreed that the appellant will pay Rs.10,00,000/- (Rupees ten lakhs) in the form of Bank Draft of any Nationalised Bank to the Respondent as permanent alimony instead of Rs.18 lakhs awarded by learned Family Judge, Ganjam in C.P.No.164 of 2016 and the said draft will be paid by the appellant to the respondent before this Hon’ble Court at the time of hearing of this petition for passing decree of divorce of the above terms and conditions.

iii. Either party will have no claim either in respect of property of either parties or any monetary claim in any respect/maintenance against each other.

iv. Each party is free to get marry of his/her own wish and Will, and either party can not challenge for so, in view of such compromise and after passing of a decree by this Hon’ble Court.

v. In view of the aforesaid compromise the monthly maintenance of Rs.6,000/- awarded by the learned Family Judge, Ganjam in CRP No.229 of 2016 is to be quashed by this Hon’ble Court in RPFAM No.265 of 2018 filed by the appellant

with cooperation of both the parties and in consequence, the execution proceeding bearing CRP No.61 of 2018 and CRP No.255 of 2018 pending before the learned Judge Family Court, Berhampur Gangam arising out of CRP No.229 of 2016 shall be dropped.

vi. It is also agreed that in view such compromise the criminal proceeding initiated at the instance of respondent relating to Berhampur Mahila P.S. Case No.50 of 2016 of the offences U/s.498A, 506,34 of IPC r/w Section 4 of D.P. Act corresponding to G.R. Case No.900 of 2016 pending in the Court learned SDJM, Berhampur is to be quashed by this Hon'ble Court with cooperation of both the parties by giving appropriate effort as desired by this Hon'ble Court in CRLMC No.2891 of 2018 or any separate application required as per law.

vii. Both the parties agree to put an end to their respective disputes narrated above by giving full cooperation as will be required as per law.”

5. In terms of the aforesaid compromise, Draft No.794488 for Rs.1,00,000/- (Rupees one lakh) and Draft No.794489 for Rs.9,00,000/- (Rupees nine lakhs) handed over herewith to Mr. Karunakar Gaya, learned counsel for the Respondent in Court in full and final satisfaction of the terms of compromise so far as the permanent alimony is concerned. The xerox copy of the draft filed in Court today be kept on record.

6. Necessary petition shall be filed by either of the parties, whoever is competent before the competent Court for withdrawal of all the proceedings between the parties.
7. Both the appeals and I.A are disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(C.R. Dash)
Judge

(M.S. Sahoo)
Judge



Murmu