

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2120 of 2021

In
Civil Writ Jurisdiction Case No.72 of 2017

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Juli Kumari, Daughter of Kapil Thakur, Resident of Village-Raghopur, Police Station-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

Sushil Kumar Rai, son of Ram Naresh Rai, Resident of Village-Kalyanpur Bishunpur Tola, Police Station-Bibhutipur, District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umanath Mishra, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 06-09-2023 1. The contempt case has been filed alleging that the respondent who was the appellant has not complied with the agreement as recorded in the impugned order.

2. An appeal was filed from the judgment and decree dated 05.12.2016. Probably at the instance of the Court, a conciliation was carried out and then an agreement was entered into between the parties who were husband and wife. The petitioner herein, who is the divorced wife; the respondent in the appeal, is before this Court alleging that the terms of agreement have not been complied with. We specifically notice Clause (v) of the impugned judgment which is extracted



hereinbelow:-

“ (v) Furthermore, both the parties agreed that if the appellant Sushil Kumar Rai fails to comply with the above stated agreement, the judgment and decree dated 05.12.2016 shall remain in-force.”

3. Hence, though an agreement was entered into between the parties, the Court also provided for the remedy if there is failure to comply with the terms. If the agreement is not complied with by the husband, then necessarily the judgment and decree would revive and the wife should seek enforcement in appropriate execution proceedings.

4. No deliberate contempt is made out going by the order in appeal and the contempt case stands closed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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