

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.729 of 2018

In
Miscellaneous Appeal No.402 of 2012

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Rajeev Kumar Singh Son of- Braj Kishor Singh, Resident of Village- Alam Nagar, P.S.- Alam Nagar, District- Madhepura.

... .. Petitioner/s

Versus

1. Ginni Devi @ Ginni Singh and Anr Daughter of- Upendra Narayan Singh, Resident of Village- Sahmora, P.S.- Sonbarsa Raj, District- Saharsa.
2. Sunil Kumar Singh, Son of Late Brahmdeo Narain Singh, Resident of Village- Jamunia, P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Diwakar Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

7 25-07-2023 The petitioner in the present contempt application has alleged disobedience of this Court's order dated 30.01.2015, passed in Miscellaneous Appeal No. 402 of 2012 which was filed by the opposite party No. 1.

2. Evidently, opposite party No. 1 is the ex-wife of the petitioner. There were matrimonial disputes leading to institution of Divorce Suit No. 13 of 2005 which came to be decreed by the learned Principal Judge, Family Court, Madhepura on 14.05.2012, dissolving the marriage with



immediate effect. The miscellaneous appeal was preferred by the opposite party No. 1. During the pendency of the said appeal, the parties entered into a compromise. The petitioner and the opposite party No. 1 thereafter, filed a joint application before this Court whereupon this Court passed the following order on 30.01.2015 :-

“ I.A.No. 761 of 2015

With the help of this application jointly submitted by the parties to this appeal, which has arisen out of the decree, dated 14.05.2012, passed, in Divorce Suit No. 13/2005, by the Principal Judge, Family Court, Madhepura, dissolving, with immediate effect, the marriage solemnized between the parties, the applicant have submitted that they have amicably decided to abide by the decree of their dissolution of marriage on the terms and conditions, which have been embodied in the application.

Considering the matter in its entirety and in the interest of justice, the joint petition of compromise made by the parties concerned, is hereby allowed and the decree, dated 14.05.2012, passed, in Divorce Suit No. 13/2005, which stands impugned in the appeal, is affirmed subject to the terms and conditions, which have been entered into, and recorded in, the compromise petition, which has been laid as I.A.No. 761 of 2015. Let the compromise petition aforementioned be made, and treated as, a part of the decree.

As far as permanent alimony is concerned, a demand draft of a sum of Rs. 3,50,000/- (three lakh fifty thousand only), issued by State Bank of



India, bearing No. 661079, drawn in favour of the appellant, namely, Ginni Kumari Singh, has been handed over, in this Court, to Mr. S.S.Mishra, learned counsel for the appellant, to be handed over, in turn, to the appellant, namely, Ginni Kumari Singh.

In terms of the above observations and directions, this miscellaneous appeal as well as I.A.No. 761 of 2015 shall stand disposed of.”

3. It is the case of the petitioner that in terms of the joint compromise petition all the cases, civil or criminal, filed by the parties against each other is to be treated to have been withdrawn.

4. Learned counsel appearing on behalf of the petitioner has submitted that despite the fact that based on the joint compromise petition this Court passed the said order, till date opposite party No. 1 has not taken steps for withdrawal of the cases filed by her against the petitioner and, therefore, she has committed contempt of Court.

5. Learned counsel appearing on behalf of the opposite party No. 1 has submitted that opposite party No. 1 has not pursued any case lodged by her before any court against the petitioner after the aforesaid order of this Court dated 30.01.2015 was passed. He submits that even in the future the opposite party No. 1 shall not press any case arising out of the



matrimonial dispute between her and the petitioner filed prior to passing of the said order of this Court dated 30.01.2015.

6. In our considered view, after having perused the materials on record and considered the submission made on behalf of the opposite party No. 1, no case of deliberate disobedience of this Court’s order is made out.

7. The contempt proceeding stands dropped.

(Chakradhari Sharan Singh, J)

(Nawneet Kumar Pandey, J)

Rajesh/Suraj

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