

FAO-M-226-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 17.04.2023

SUMAN LATA

... Appellant

VERSUS

PARVEEN KUMAR

....Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Varun Veer Chauhan, Advocate
for the appellant.

Mr. I. S. Pabla, Advocate
for the respondent.

LISA GILL, J.(Oral)

This appeal has been filed by the appellant-wife challenging judgement and decree dated 11.05.2018 passed by learned Additional District Judge, Panchkula whereby petition under Section 13 (i-a) of Hindu Marriage Act, 1955 for dissolution of marriage filed by the respondent-husband had been allowed.

It is informed that during pendency of this appeal, matter has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court. Terms and conditions of settlement have been reduced in writing on 29.08.2022. Copy of the Settlement-Agreement is taken on record as A-1.

Relevant terms and conditions of settlement read as under:-

a) That the parties have mutually agreed to put an end to litigation present

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and future. It is mutually agreed between the parties that the second party will pay a sum of Rs.11,25,000/- as permanent alimony past, present and future to the minor daughter Tanishka. This has been agreed since a first party is earning and has gracefully stated that she does not want alimony for herself rather the abovesaid amount shall be given to her daughter for her future needs. The said amount shall be paid in the following manner:-

In order to show his bonafide the second party has paid a sum of Rs.25,000/- in cash to the first party who has received the same. The second installment of Rs.2,50,000/- shall be paid in the form of FDR in the name of minor daughter under the guardianship of first party on or before 30.09.2022. The Third installment of Rs.2,50,000/- shall be paid in the form of FDR in the name of minor daughter under the guardianship of first party on or before 30.10.2022. The Fourth installment of Rs.3,00,000/- shall be paid in the form of FDR in the name of minor daughter under the guardianship of first party on or before 30.11.2022. The Fifth installment of Rs.3,00,000/- shall be paid in the form of FDR in the name of minor daughter under the guardianship of first party on or before 10.01.2023. It is clear between the parties that the said FDRS shall be till the minor daughter attain majority however, the first party mother can withdraw the interest so accrued annually for the purposes of education and other needs of the minor daughter. That from today itself the first party is not entitled for any maintenance so fixed by the Court (Rs.6600/-) for the minor child in view of the present settlement agreement to which the first party agreed. The FDRS shall be handed over to the first party on the date when the appeal is listed for final disposal i.e. in January, 2023. However, after every due date the second party will sent a copy of the FDR made to the first party through whatsapp or through the counsel. That after the payment of the said amount the is nothing due to be paid to the first party and minor daughter or have any right or share in the movable or Immovable property of the 2nd party.

b) As regard the custody of minor child Tanishka is concerned it is with the mother since she is born and will continue to remain with her. It is further agreed between the parties that there are no visitation rights in favour of father second party as there is no

bonding between them and it would rather disturb the minor child: to which the second party has no objection.

c) That the following cases are pending between the parties:- The first party has filed an appeal against acquittal of the second party husband along with his family member in case FIR No. 29 of 2013 registered at police station, Chandi Mandir, Sector-23, Panchkula which is pending before the Sessions Court, Panchkula. It is now been agreed that the first party will withdraw her appeal after the receipt of entire payment in the shape of FDR in name of her daughter and has further agreed that she will not press not the appeal during this period.

d) It is further agreed between the parties that after the receipt of the total consideration the first party will withdraw this present appeal which the parties can get adjourned for 10.01.2023 so that the final installments of Rs.3,00,000/- in the shape of FDR can be handed over in the Court itself on the date fixed.

e) The parties are free to move on with their lives independently and have further agreed not to interfere in each other life.

f) That as per the information provided by the parties there is no other pending litigation between the parties however to avoid any issue in future it is agreed that if by chance there is any litigation between the parties which do not find mention in the present settlement agreement the same shall be withdrawn on or before 30.11.2022. It is further agreed that both the parties along with their family member will not file any fresh litigation arising out of present matrimonial discord.

g) Both the parties have agreed that they will not defame or maligned the image of each other in the society and will live peacefully.”

Parties, duly identified by their counsel are present in Court. They verify and affirm that the matter has been amicably settled on 29.08.2022. It is stated by the appellant that she has received the FDRs for a sum of Rs.11 lakhs in favour of her daughter, Tanishka with her being reflected as the nominee/guardian and Rs.25,000/- in cash in terms of agreement. It is agreed between

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the parties that the FDR/s shall be kept intact till the minor child attains majority i.e. 02.06.2030 and that the appellant can withdraw the interest accrued upon the FDRs annually for the purpose of education and welfare of the minor child. Statements of the parties have been recorded separately.

Appellant, present in Court, submits that in view of the settlement with the respondent, she seeks to withdraw this appeal, while accepting dissolution of their marriage.

Appeal is accordingly dismissed as withdrawn.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

17.04.2023

Rimpal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No