

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.44 of 2023

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Prerna Wife of Ashutosh Kumar and daughter of Nand Kishor Tiwari,
Resident of Village and Post Dighra, Rampur Shah, P.S.- Muzaffarpur Sadar,
District- Muzaffarpur, presently residing at Mohalla- Mithanpura, near Masjid
Chowk, Post- R.K. Ashram, P.S.- Mithanpura, District- Muzaffarpur.

... .. Appellant/s

Versus

Ashutosh Kumar Son of Uday Shankar Prasad Singh, Resident of Village and
Post Dighra, Rampur Shah, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Alok Kumar Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and

HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DR. ANSHUMAN)

Date : 18-09-2025

Appellant and respondent with their respective

Counsels are present in the Chamber Proceeding.

2. Both the parties have come prepared with the
joint affidavit for settlement. They seek permission from this
Court to add one line in paragraph-4 of the joint affidavit.

3. Permission is granted.

4. The said joint affidavit on behalf of appellant
and respondent, signed by the parties and their respective
Counsels, is hereby accepted in the Chamber Proceeding itself.

5. The present memorandum of appeal has been



preferred against the judgment and order dated 01.12.2022 passed by learned Principal Judge, Family Court, Muzaffarpur, in Matrimonial (Divorce) Case No.316 of 2017 under Section 13 of the Hindu Marriage Act, 1956. This miscellaneous appeal is pending before this Court since 2023.

6. After a detailed conciliation between the parties, in presence of their respective Counsels, parties are ready to settle their entire disputes by virtue of payment of Rs.35,00,000/- (Rupees thirty five lacs) as full and final settlement of permanent alimony and, thereafter the appellant is not interested to pursue the present appeal and further ready to close/end the entire disputes between the parties. The terms of settlement as mentioned in the joint affidavit are as follows:

“3. That the appellant and the Respondent lodged the cases against each other, details of which are as follows:-

(I) Complaint Case No.236 of 2018 (Prerna Vs. Ashutosh Kumar and others) lodged by the appellant against the Respondent and others for the offences under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, which is pending in the court of learned Sub-Divisional Judicial Magistrate, East Muzaffarpur, for evidence



after framing of charge.

(II) Complaint Case No.1630 of 2018 (Ashutosh Kumar Vs. Alok Kumar and others) lodged by the Respondent against the appellant and others for the offences under Sections 323, 379, 504 of the Indian Penal Code, which is pending in the court of Sri Siddharth Sharma, learned Judicial Magistrate 1 Class, Muzaffarpur for appearance.

(III) Complaint Case No.2000 of 2024 (Prerna Vs. Ashutosh Kumar) lodged by the appellant against the Respondent for the offences under Sections 494, 504, 506 of the Indian Penal Code, which is pending in the court of Sri Pankaj Kumar Pandit, the learned Judicial Magistrate, 1 Class, Muzaffarpur for appearance.

(IV) G. R. No.827 of 2020 (State through Prerna Vs. Uday Shankar Prasad Singh and others) lodged by the appellant against the Respondent and others for the offences under Sections 341, 323,342, 427, 379, 307, 506/34 of the Indian Penal Code, which is pending in the court of Sri Piyush Ranjan, the learned Judicial Magistrate 1^a Class, Muzaffarpur for appearance.



(V) Maintenance Case No 32 of 2018, disposed of on 29.08.2019.

(VI) Complain Case No 666 of 2018 disposed of on 20.02.2020.

4. That the Respondent agreed to pay a sum of Rs.35,00,000/- (Rupees Thirty Five Lacs) to the appellant as full and final settlement of permanent alimony on condition of settlement of the instant appeal and other cases as mentioned in paragraph No.3 of this joint supplementary affidavit and the appellant accepted the same. Upon full and final payment of agreed amount, the appellant will not pursue the instant appeal and ready to close the entire disputes/litigation between them.

5. That, the Respondent had already transferred the amount of Rs.5,00,000/- (Rupees Five Lacs) through the R.T.G.S. in the account of the appellant on 16.09.2025.”

7. In the light of the said joint affidavit filed by the parties, it transpires to this Court that respondent as per promise has already transferred Rs.5,00,000/- (Rupees five lacs) through RTGS in the account of appellant on 16.09.2025, which has been accepted by the appellant. The respondent further submits that the rest amount of Rs.30,00,000/- (Rupees



thirty lacs) shall be paid in two installments within six months from the date of this order.

8. It is made clear that the appellant has provided an account of post office in Muzaffarpur Collectorate branch, bearing Account No.010058047712, IFSC Code: IPOS0000DOP, Name: Prerna and requested to this Court to direct the respondent to transfer the rest amount in the said account of post office, which is running in the name of the appellant. As such, the respondent is directed to pay the rest amount of Rs.30,00,000/- (Rupees thirty lacs) in the above mentioned account of the appellant in two installments within six months from the date of this order.

9. Both the parties shall do the needful for closing of the cases against each other in their respective case filed by them, as mentioned in the joint affidavit quoted above, and by virtue of the settlement the respective Courts-below shall also not proceed in those cases mentioned above.

10. After the end of dispute and upon payment of full and final settlement amount, the judgment and order dated 01.12.2022 passed in Matrimonial (Divorce) Case No. 316 of 2017 by the Principal Judge, Family Court, Muzaffarpur, shall be affirmed. There shall be no dispute



between the parties. They also ensure that in future they shall not file any litigation against each other.

11. It is the responsibilities of the appellant and the respondent both that upon full and final payment and after receiving all the said payment, they shall produce the proof of the payment before the respective Courts so that the pending proceeding shall be dropped by the respective Trial Courts.

12. It is made clear that the direction made by the Court towards monthly maintenance is now redundant as parties are under the full and final settlement.

13. With the aforesaid observation and direction, the present miscellaneous appeal is hereby disposed off.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2025
Transmission Date	

