

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.604 of 2022

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Badri Mandal son of Rajeshwar Mandal Resident of village- Biina Andauli,
P.S.- Supaul, District- Supaul. Appellant/s

Versus

Lila Devi Wife of Baderi Mandal D/O- Late Bhubneshwari Mandal Resident
of village- Dinapatti, P.S.- Pipra, District- Supaul. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjay Kumar Singh, Advocate

For the Respondent/s : Mr. Naresh Kumar Mehta, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

13 08-09-2025 On perusal of the affidavit filed by the respondent,

we find a typographical error in paragraph 5 of the affidavit.

2. The learned Advocate for the respondent is
permitted to rectify the typographical error in the affidavit.

3. The record of the instant Miscellaneous Appeal is
placed before us.

4. As per order dated 07.08.2025, we took up the
matter as chamber proceeding for conciliation. During
conciliation, both the parties agreed that they were not in a
position to stay together as husband and wife. Both the parties
made series of allegations regarding cruelty, illegal demand of
dowry, torture perpetrated by the respondent for non-payment of
dowry etc.

5. The appellant, on the other hand, alleged that he

was implicated in a false case under Section 498 A of the I.P.C. being Complaint Case No. 638C of 2009, which was ultimately ended in acquittal of the appellant. It is submitted by the appellant that after he was forced to face incarceration of judicial custody. The specific act of the respondent amounted to cruelty.

6. Therefore, during conciliation, we are of the view that the appellant is entitled to a decree for divorce under the provision of 13(1)(ia) of the Hindu Marriage Act.

7. At this stage, the issues involved before us were fixation of permanent alimony and acceptance of the decree of divorce.

8. It was agreed by both the parties at the intervention of their learned Advocates that final alimony of Rs. 10 lakhs would be just and proper for one time settlement.

9. The parties have also filed separate affidavits agreeing the said amount as one time settlement and acceptance of their dissolution of marriage from this date.

10. Therefore, the marriage between the appellant and the respondent is dissolved by a decree of divorce under Section 13(a)(ia) of the Hindu Marriage Act.

11. As one time permanent alimony, the appellant

shall pay a sum of Rs. 10 lakhs to the respondent as full and final settlement.

12. A sum of Rs. 10 lakhs shall be paid in two equal installments of Rs. 5 lakhs each. The first installment shall be paid within three months from this date and the second installment shall be paid within a period of six months from this date.

13. We shall record the terms of the settlement decree be drawn up as per the term of the settlement. If the respondent does not get the amount of one time settlement of permanent alimony within due date, it is open for the respondent to re-open the case.

14. The instant appeal is disposed of in terms of settlement. However, there shall be no order as to cost.

(Bibek Chaudhuri, J.)

(Dr. Anshuman, J.)

Rashid/
Jyoti Kumari/-

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