(2026: JHHC:32505-DB)

IN **THE HIGH COURT OF JHARKHAND AT RANCHI**
F.A No. 175 of 2016

Md. Abdul Hafiz, son of Abdul Majid, resident of Bhikhia Chowk, P.O & P.S Mahagama, District Godda, Jharkhand

... ... Appellant

Versus

Bibi Masina Khatoon, divorcee wife of Md. Abdul Hafiz and daughter of Gulam Bakshi, residing at mouza Banswara, P.O. Sarbhaga, P.S. Mahagama, District Godda, Jharkhand

… … ... Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellant: Mr Rupesh Singh, Advocate
For the Respondent: Mohammad Asghar, Advocate

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39 / Dated: 05.11.2026

1. Heard Mr Rupesh Singh for the appellant and Mohammad Asghar for the respondent.

2. On 14.10.2026, after hearing the learned counsel for the parties, we made the following order: -

> *"1. Heard the learned counsel for the parties.*
>
> *2. The issue involved in this matter is whether the Family Court had jurisdiction to entertain an application under Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986.*
>
> *3. The matter was adjourned because the Hon'ble Supreme Court was ceased with the selfsame issue. However, Mr Rupesh Singh, has now pointed out that the matter before the Hon'ble Supreme Court ended in a compromise and therefore, this issue remains undecided by the Hon'ble Supreme Court. However, he pointed out that there are decisions of other Courts, which gave view that such application would not lie before the Family Court.*
>
> *4. Without prejudice, Mr Rupesh Singh submits that the appellant had offered to pay an amount of Rs. 1,25,000/- to the respondent towards the claim in the present matter.*

However, he submitted that the respondent was not agreeable.

5. Md Asghar, the learned counsel for the respondent, on instructions, states that the respondent will, without prejudice, accept Rs. 1,25,000/- in full and final settlement of the issue which forms the subject matter of the respondent's application before the Family Court. However, he submitted that there is a maintenance order made by the Family Court, Godda directing the appellant to pay maintenance of Rs. 3000/- per month. He submitted that for the last ten years, even this amount has not been paid. Therefore, he submitted that nothing in this order should affect the respondent's right to recover the maintenance amount under the said order, which, he pointed out, has not even been challenged by the appellant in these proceedings.

6. In this case, we find that the submissions made by both the learned counsel are quite reasonable and deserve acceptance.

7. There is no point in pending this matter now that the respondent is agreeable to accept Rs.1,25,000/- in full and final settlement of her claims towards Denmohor, Iddat cost and the cost of articles. However, nothing in this order, would affect the respondent's claim for maintenance under orders already made by the Family Court and which are not subject matter of challenge in these proceedings.

8. Accordingly, we direct the appellant, consistent with his offer, to deposit the amount of Rs.1,25,000/- in this Court, latest by 3rd of November, 2026.

9. Mr. Rupesh Singh submitted that the amount once deposited, may be directed to be transferred into a joint account of the respondent and their son.

10. The respondent will be at liberty to pursue the matter of maintenance in accordance with law and nothing in this order shall affect her right to do so.

> *11. We post this matter on 4th of November, 2026 high on board for reporting compliance."*

3. Today, Mr Rupesh Singh produces evidence of the appellant, through his relative, having transferred an amount of Rs. 1,25,000/- in the respondent's bank account. Mr Mohammad Asghar, the learned counsel for the respondent, confirms receipt of this amount of Rs. 1,25,000/- by the respondent.

4. In our above quoted order, it was recorded that the respondent was agreeable to accept Rs. 1,25,000/- in full and final settlement of her claims towards *Denmohar, Iddat* cost and cost of articles. Mr Mohammad Asghar, the learned counsel for the respondent, confirms this position.

5. Therefore, we dispose of this appeal by making the following order: -

   A. Now that the respondent has received the amount of Rs. 1,25,000/- in full and final settlement of her claims towards *Denmohar, Iddat* cost and the cost of articles, her claims in this regard stand finally settled;

   B. However, nothing in this order would affect the respondent's claim for maintenance under orders already made by the Family Court which are not the subject matter of challenge in these proceedings;

   C. Further, the respondent will be at liberty to pursue the matter of maintenance in accordance with law and nothing in this order shall affect her right to do so;

   D. The issue as to whether the Family Court had jurisdiction to entertain an application under section 3 of the Muslim Women

(Protection of Rights on Divorce) Act, 1986 is kept open to be decided in an appropriate case.

6. The appeal is disposed of in the above terms without any order for costs.

7. I.A., if any, pending disposal, would not survive and is hereby disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 05, 2026

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