

(2021) 04 SHI CK 0096
In the High Court Of Himachal Pradesh
Case No : CRMMO No.652 Of 2019

Jatin Gagat

APPELLANT

Vs

Monika Gagat

RESPONDENT

Date of Decision : 07-04-2021

Acts Referred:

Hindu Marriage Act, 1955 — Section 13B

Citation : (2021) 04 SHI CK 0096

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Sunny Modgil, Lakshay Parihar

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Present petition is arising out of matrimonial dispute between husband-petitioner Jatin Gagat and wife-respondent Monika.

2. Considering possibility of reconciliation, the matter was referred for mediation to learned Mediator Mr. Suresh Chander Sharma, Senior Advocate, vide order dated 13.12.2019, but thereafter, on account of spread of COVID-19 Pandemic, the matter could not be taken up by learned Mediator and, on 3.3.2021, matter was again referred to the learned Mediator. In pursuant thereto, matter has been amicably settled between the parties and the learned Mediator has submitted his Report dated 6.4.2021. Alongwith the report, statements of petitioner Jatin Gagat and respondent Monika, recorded by the learned Mediator in presence of their Advocates, have also been annexed and the said statements are part of the record of learned Mediator.

3. Learned counsel for the parties have also endorsed the settlement arrived at between the parties and have submitted that they have instructions to pray for decision in present petition, in terms of settlement. Their statements have also been recorded, separately, to this effect.

4. Terms of Settlement, apparent from the statements of the parties and Report of learned Mediator, are as under:

(a) Petitioner and respondent have agreed for dissolution of their marriage with mutual consent and for that purpose a joint divorce petition, under Section 13-B of the Hindu Marriage Act, shall be presented/ filed by them jointly in the Court of District Judge, Una, on 19.4.2021.

(b) Petitioner Jatin Gagat has undertaken to pay Rs.10 lac as permanent alimony, which has been accepted by the respondent.

(c) Rs.5 lac of permanent alimony shall be paid by petitioner Jatin Gagat to respondent Monika at the time of filing of joint/mutual divorce petition on 19.4.2021 and remaining Rs.5 lac shall be paid by him on the date of decision of the said petition/ dissolution of marriage, but before passing of the order by the learned District Judge.

(d) The aforesaid payment(s) shall be made either through Draft or Cheque.

(e) Divorce Petition preferred by respondent Monika, pending in the Court at Una, shall be withdrawn by her.

(f) After payment of aforesaid alimony and dissolution of marriage, the parties shall have no claim of any kind against each other.

(g) Present petition is to be dropped, in terms of Terms of Compromise.

5. In view of settlement arrived at between the parties, present petition is disposed of as compromised, in the aforesaid terms. Report of learned Mediator and statements of the parties recorded by him shall also be treated as part of the present judgment.

6. Earnest efforts made by Mr. Suresh Chander Sharma, learned Mediator, are reflective of his devotion to cause of justice, and active positive cooperation of Mr. Sunny Modgil and Mr. Lakshay Parihar, Advocates, is highly commendable.

Pending application(s), if any, also stand disposed of.