
(2017) 12 GAU CK 0065
In the Gauhati High Court
Case No : 20 of 2017

SMT. DIPTI PATHAK

APPELLANT

Vs

SRI DAYAL KRISHNA PATHAK

RESPONDENT

Date of Decision : 13-12-2017

Acts Referred:

[Hindu Marriage Act, 1955](#), [Section 13\(1\)1-A](#)
a> - Divorce

Citation : (2017) 12 GAU CK 0065

Hon'ble Judges : Ajit Singh, Manojit Bhuyan

Bench : DIVISION BENCH

Advocate : S.B. Choudhury, P Sharma

Judgement

1. This appeal is by wife against the judgment and order dated 3.8.2016 passed in Case No. T.S.(M) 66/2014 under Section 13(1) (1-A) of the Hindu Marriage Act, 1955 by the Principal Judge, Family Court, Barpeta, whereby she has allowed husband's petition for divorce with a direction to pay Rs.6000/- per month as maintenance allowance till the life time of wife or till her re-marriage.

2. During the pendency of appeal, both wife and husband have filed a joint petition praying for allowing amicable settlement arrived at between them. The terms of agreement enumerated in the application are as under:- 1. That the parties are appellant and respondent in the above noted MAT Appeal and arrived at an amicable settlement. 2. That, though court below ordered to pay Rs.6000/- per month as alimony both the parties prayed for permanent alimony to be paid and settle the matter.

3. That, the respondent during subsistence of their marriage, purchased a plot of land measuring 15 lechas covered by Dag No.855, of K.P. Patta No.69 situated at Fatasil, under Beltola Mouza, in the district of Kamrup (M), in the name of the appellant and the same is still standing in the name of the appellant.

4. That, the parties hereby agree that the alimony ordered Rs.6000/- by the

court below be settled with permanent alimony of Rs.10,00,000/-(Rupees ten lakhs) out of which Rs.4,00,000/- shall be paid on or before 31.1.18 and the rest shall be paid within a year from the said date. It is also agreed that the appellant is willing to return the land mentioned above and the effect the appellant shall execute a Power of Attorney in favour of the Respondent and shall not claim the right, title and interest over the said plot of land either by herself or any of her heir and agent in any future. The alimony granted by the court below of Rs.6000/- P.M. shall be ended from 31.3.18 from the date of the payment of 1st installment of Rs.4,00,000/- by respondent.

5. That, the appellant shall execute Power of Attorney and in case of her failure to execute the Power of Attorney the respondent is not bound to pay the rest of the amount of Rs.6,00,000/-.

6. That, the payment shall be made by the respondent in the SBI A/C No.30854538476 standing in the name of appellant the name shown as Dipti Das and the receipt shall be kept with the respondent, on the account shall be paid in the name of Dipti Pathak in demands Bank Draft.

As both the wife and husband have entered into an amicable settlement, this appeal stands finally disposed of in terms of the above quoted settlement. Accordingly, the impugned judgment and order also stands modified.