
(2019) 09 J&K CK 0037

In the Jammu And Kashmir High Court

Case No : MA No. 217 Of 2018, IA No. 01 Of 2018

Sunita Kumari

APPELLANT

Vs

Suresh Chahal

RESPONDENT

Date of Decision : 19-09-2019

Acts Referred:

Citation : (2019) 09 J&K CK 0037

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : D.S. Saini, Sunil Sethi, Lawanya Sharma

Final Decision : Disposed Of

Judgement

Tashi Rabstan, J

1. This appeal is directed against the judgment and decree dated 20.10.2018 passed by the learned Additional District Judge (Matrimonial Cases), Jammu in File No.610/HM Act, whereby while decreeing the divorce petition in favour of Suresh Chahal, respondent herein, the learned trial Court directed respondent-Suresh Chahal to pay permanent alimony to Sunita Kumari, appellant herein, to the tune of Rs.12,00,000/- (Twelve Lacs) and Rs.3.00 lacs in lieu of dowry and gold articles.

2. However, during the pendency of appeal, a joint application bearing IA No.7120/2019 came to be filed by both the parties herein, accompanied by their affidavits, seeking passing of decree of divorce in favour of the parties on the basis of amicable settlement of the dispute arrived at between the parties outside the Court.

3. It is submitted in the application that respondent-Suresh Chahal has agreed to pay a lump sum amount of Rs. 20,00,000/- (rupees twenty lacs) including the cost of dowry items to appellant-Sunita Kumari, and in case tax is applicable on the amount of alimony, respondent-Suresh Chahal undertakes to pay the tax as

payable under rules. It has also been agreed by respondent-Suresh Chahal to pay a sum of Rs.2,87,300/- as outstanding arrears in terms of order dated 27.04.2018 passed by the learned Additional Sessions Judge, Jammu. It is admitted by appellant-Sunita Kumari that out of Rs.2,87,300/-, she has already received an amount of Rs.1,46,000/- till 11.09.2019 from respondent-Suresh Chahal and respondent herein has to pay balance arrears of Rs.1,41,300/-. Now, as agreed by both the parties, respondent-Suresh Chahal to pay an amount of Rs.21,41,300/-. To satisfy the said amount, respondent-Suresh Chahal has issued two cheques amounting to Rs.18,85,300/- dated 19.09.2019 in the name of appellant-Sunita Kumari - one to the tune of Rs.9,00,000/- bearing No.115304 drawn on J&K Bank, Branch Vijaypur, Samba and, another, to the tune of Rs.9,85,300/- bearing No.579571 drawn on State Bank of India, Branch Supwial. A photocopy of the cheques is placed on the file. Remaining amount of Rs. 2,56,000/- has been paid to appellant-Sunita Kumari in the open court today.

4. In view of amicable settlement arrived at between the parties, the judgment and decree dated 20.10.2018 passed by the learned Additional District Judge (Matrimonial Cases), Jammu in File No.610/HM Act is modified to the extent as indicated above and this appeal is disposed of as settled. IA No.7120/2019 as well as IA No.01/2018, accordingly, stand disposed of.

5. Registry to send a copy of this order to the trial Court.