

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8094 OF 2013
(@ SPECIAL LEAVE PETITION (C) NO.7936 OF 2010)

MOUMITA KAR NEE HALDER

APPELLANT(S)

VERSUS

SUBRATA KAR

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Calcutta in F.A.NO.29 of 2006, dated 31.03.2009. By the impugned judgment and order, the High Court has allowed the petition filed by the respondent-husband and has granted a decree of divorce.

3. The respondent herein had filed a petition under Section 13B of the Hindu Marriage Act, 1955 before the Trial Court for grant of decree of divorce. The Trial Court had rejected the petition. Aggrieved by the said order, the respondent had approached the High Court. The High Court, taking into consideration the pleadings of the parties and the evidence on record has come to the conclusion that the relief sought for by the respondent requires to be granted. Accordingly, had allowed the petition and has granted decree of divorce.

4. After disposal of the petition by the High Court, the respondent has contracted a second marriage. At this stage, it is pertinent to state that the respondent was blessed with a child in the first marriage.

5. When we took up the matter for hearing, we suggested to the learned counsel appearing for the parties to amicably settle the dispute and give quietus to the litigation.

6. On instructions, the respondent would submit that to buy peace he would pay a sum of Rs.5 lakhs to the petitioner-wife and a sum of Rs.15 lacs to the daughter but requests us to grant him some reasonable time to pay the aforesaid amount.

7. Learned counsel for the appellant, on instructions, would submit that he has no objection to accept the suggestion made by the learned counsel appearing for the respondent.

8. In view of the above, without going into the merits of the case, we dispose of the appeal as under:

i) Allegations made by both the parties when the petitions were filed before the Court for grant of decree of divorce is expunged from the pleadings and the judgment of the Courts below;

ii) We direct both the parties to withdraw all the cases that are pending in various forums, including the Court by filing appropriate petitions under Section 482 of the Criminal Procedure Code, 1973;

iii) We request the High Court, that, if such petitions are filed, to take up the petitions at the earliest and dispose of the same to give quietus to the litigations between the parties, since we have passed a consent decree in this Civil Appeal;

iv) We direct the respondent-husband to hand over a bank draft to the appellant for a sum of Rs.10 lakhs on or before 07.10.2013. The respondent shall pay the balance amount of Rs.10 lakhs by way of a bank draft to the appellant on or before 09.12.2013.

v) We also direct the appellant to furnish the correct address as well as the bank account number to the respondent so that the respondent will be in a position to faithfully comply with the orders and directions.

vi) The respondent shall not commit any default insofar as the payments of installments are concerned. If the respondent commits any default, we permit the appellant to file appropriate petitions/applications before this Court for appropriate orders;

vii) We direct the appellant to deposit a sum of Rs.15 lakhs in the name of her daughter for a period of 10 years. The appellant is permitted to use the accrued interest on the aforesaid deposit for the purpose of the education of the child and on a later date the entire amount of money i.e. a sum of Rs.15 lakhs towards the expenses of the marriage of the daughter.

9. The Civil Appeal is disposed of, with these observations and directions. We place our appreciation on record for the fairness shown by both the learned counsel for the parties.

.....J.
(H.L. DATTU)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
SEPTEMBER 10, 2013.

JUDGMENT