

S U P R E M E C O U R T L O K A D A L A T

TRANSFER PETITION(C) NO.5 OF 2007

KANAK SAXENAPetitioner(s)

VERSUS

KISHORE KUMAR JAIN Respondent(s)

(With office report)

Date: 07/02/2009 The above petition was taken up today for settlement.

MEMBERS OF LOK ADALAT:

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)Mr. Manoj Kr. Dwivedi, Adv.
 Ms. Vandana Mishra, Adv.
 Ms. Ranjana Dikshit, Adv.
 Mr. Shail Kumar Dwivedi, Adv.

For Respondent(s)In-person

This matter was taken up at the Supreme Court Lok Adalat with the consent and agreement through their counsel.

The petitioner and her counsel are present. Respondent is present in-person. The parties stated that they were married in 2004 and there is a female child of the wedlock. The petitioner-wife is staying in Lucknow and the respondent-husband is staying at Coimbatore.

The respondent has filed a divorce petition at Coimbatore. During the pendency of this transfer petition, the divorce petition has been decreed ex-parte. Petitioner has initiated proceedings under Section 125 of Cr.P.C. before the Family Court, Lucknow wherein an ex-parte final order has been passed granting maintenance of Rs.3,000/- per month.

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The parties held detailed negotiations before the Mediator and a 'Settlement Agreement' has been submitted. The following terms of settlement is recorded:

(1)The respondent-husband shall pay a lumpsum alimony of Rs.1,50,000/- (Rupees One Lakh Fifty Thousands) to the petitioner-wife within three years from today. Out of the said amount Rs.25,000/- shall be paid within two months from today.

(2)The respondent-husband shall pay a lumpsum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousands) for the maintenance of the female child namely Shrestha. The said amount shall be paid by way of bank draft or electronic transfer in the account bearing No. 0303000109115627 maintained with the Punjab National Bank, Chowk Branch, Lucknow. The said amount shall be kept in fixed deposit in the name of the minor child which shall be renewed from time to time until the child attains the age of majority. The petitioner-wife will be entitled to draw the interest on the amount of Rs.2,50,000/- kept in fixed deposit towards maintenance of the minor child.

(3)Until the entire sum of Rs.4,00,000/- (Rupees Four Lakhs) as aforesaid is fully paid, the respondent shall pay a monthly maintenance of Rs.2,000/- (Rupees Two Thousands) to the petitioner on or before 7th of each month. The first monthly amount of Rs.2,000/- shall be paid on or before 15th February 2009 and from March 2009 onwards, the said amount of Rs.2000/- p.m. shall be paid on or before 7th of each month. The respondent shall pay the maintenance amount of Rs.2,000/- p.m. by way of demand draft or by electronic transfer to the account of the petitioner bearing No.17778 maintained with the Allahabad Bank, Chowk Branch, Lucknow.

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(4) Subject to payment of Rs.4,00,000/- as aforesaid and monthly maintenance of Rs.2,000/-, the order in the maintenance case shall be treated as settled and closed. Until the entire payment of Rs.4,00,000/- is paid, the ex-parte decree of divorce obtained by the respondent shall not be given effect. In fact, if the payment is not completed within the time agreed, the petitioner-wife will be entitled to challenge the said decree for divorce and also pursue the claim for maintenance at the rate awarded.

(5) Parties agree that the custody of the minor child shall remain with the mother.

(6) On the respondent-husband complying with the aforesaid terms, the petition filed by the petitioner-wife before the Family Court at Lucknow shall stand dismissed and the petitioner-wife shall not be entitled to any benefit thereof.

Petitioner Respondent

Counsel for the petitioner

.....J.
(R.V. RAVEENDRAN)

.....J.
(B. SUDERSHAN REDDY)