

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 8306 OF 2010

JAINAB KHATOON @ TAHIRA

Appellant (s)

VERSUS

ABDUL AHAD

Respondent(s)

(With appln(s) for exemption from filing O.T.,directions,early hearing,permission to file additional documents and office report)

Date: 28/02/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. Irshad Ahmad,Adv.
Mr. Rashid Saeed,Adv.
Mr. Vivek Sarin,Adv.

For Respondent(s)

Mr. Anis Ahmed Khan,Adv.
Mr. Shoaib Ahmad Khan,Adv.

UPON hearing counsel the Court made the following
O R D E R

In terms of the settlement the appeal is allowed and the impugned order of the High Court is set aside.

[SUMAN WADHWA]
COURT MASTER

[SNEH BALA MEHRA]
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8306 OF 2010

JAINAB KHATOON @ TAHIRA

.. APPELLANT(S)

vs.

ABDUL AHAD

.. RESPONDENT(S)

O R D E R

The appellant is the divorced wife of the respondent and this appeal arises from a dispute in regard to the custody of the children. The High Court order, against which the appeal has been filed, has granted the custody of the three sons (now aged 17, 16 and 13 years respectively) to the appellant. While issuing notice by this Court, the operation of the High Court order was

stayed and as a result the children continue to remain in the custody of their mother-the appellant.

In course of the protracted hearing of this case the parties have entered into a comprehensive settlement and have resolved all their pending disputes. In terms of the settlement the respondent shall pay the lump sum amount of Rs.3,00,000/- (Rupees three lakhs only) for the education and upkeep of the three children till they attain their respective ages of majority.

Since the children are in the custody of the mother, the money will be paid in her hand but Mr.

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Irsahd Ahmad, counsel appearing on her behalf, assures the Court that the money will be spent for the education and upkeep of the children. The payment of the aforesaid sum of rupees three lakhs shall be made in the following manner:

1. The respondent shall give to the appellant Jainab Khatoon @ Tahira bank draft of rupees fifty thousand drawn in her name by April 30, 2013;
2. The second installment of rupees fifty thousand also payable through bank draft and in the name of the aforesaid Jainab Khatoon @ Tahira, shall be given to her by June 30, 2013;
3. The third installment of rupees one lakh would be similarly paid by August 30, 2013, and;
4. The Final installment of the balance rupees one lakh would be similarly paid to her by October 31, 2013.

The aforesaid payment of rupees three lakhs shall be in full and final settlement of all the claims of the appellant and the children. It is, however, made clear that this payment shall not deprive the children of their hereditary rights under the law by which they are governed.

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In view of the above settlement, all proceedings instituted by one side against the other in whatever Court that may be pending, shall stand abated.

The respondent who is currently working in Saudi Arabia and comes to India only on leave and in holidays would intimate the mother of the children or any one in her family about the date on which he may visit the place where the mother and children are staying, to meet his children. Mr. Irshad Ahmad assures that the mother shall not cause any obstructions in the meetings between the father and the children and would rather facilitate the meetings between the children and the father.

In terms of the settlement the appeal is allowed and the impugned order of the High Court is set aside.

.....J.
(AFTAB ALAM)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
February 28, 2013.