

PREETI SINGH
v.
SANDEEP SINGH AND ORS.

APRIL 25, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Hindu Marriage Act, 1955 : Section 13(B)(1) & (2)

Divorce by Mutual Consent—Petition for—Court's Directions.

Pursuant to an order of the Court, the appellant and the respondent filed a petition for mutual divorce as a result of which the marriage between the parties stood dissolved, and the Respondent had paid Rs. 1.5 lakhs to the petitioner.

Disposing the petition this court directed :

1. In terms of the compromise all the proceedings instituted by either party in any Court or before any authority stand withdrawn and dismissed.

[744-C]

2. The amount of Rs. 1.25 lakhs and Rs. 30,000 deposited by the respondent in the name of his daughter shall remain in her name till she attains majority. [744-D]

3. The respondent would hand over to the petitioner 2000 Units of Seven Years Monthly Income Unit with Bonus and Growth, 1990 (II) (Cumulative Growth) valued at Rs. 20,000 deposited on December 31, 1990.

[744-D-E]

4. The respondent, would further deposit the amount of interest accrued on the term deposit of Rs. 32,000 made by him in the name of his daughter and handover the receipt thereof to the petitioner. [744-E, F, G]

CRIMINAL APPELLATE JURISDICTION : Criminal M.P. No. 1207/92 in Transfer Petition (Crl.) No. 43 of 1992.

(Under Article 139A(2) of the Constitution of India.)

S.S. Jauhar for the Petitioner.

A D. Goburdhan and Ms. Meenakshi Arora for the Respondents.

The following Order of the Court was delivered:

B Petition under Section 13(B)(1) & (2) of the Hindu Marriage Act, 1956 for a decree of divorce by mutual consent duly signed by both the parties is taken on record.

C As per the directions of this Court by order dated October 21, 1994, the parties have filed the petition for mutual divorce. In terms of the order, the marriage of the petitioner and the respondent stands dissolved and the divorce takes effect from today. In terms of the compromise all the proceedings instituted by either party in any Court or before any authority stand withdrawn and dismissed.

D In terms of the order passed by this Court earlier, amount of Rs. 1.25 lakhs in addition to Rs. 30,000 were deposited by the respondent in the name of daughter Approva. The said amount shall remain in the name of minor till she attains majority. The respondent has also paid Rs. 1.5 lakhs to the petitioner.

E It is brought to our notice that the respondent had not given to the petitioner 2000 Units of Seven Years Monthly Income Unit with Bonus and Growth, 1990(II) (Cumulative Growth) valued at Rs. 20,000 deposited on December 31, 1990 which would mature on December 16, 1997. While the respondent has handed over a 'Term Deposit Receipt No. 555924' dated 17.11.1994 for a sum of Rs. 32,000 deposited in the name of his minor daughter, which would represent the fixed deposit kept in the name of the minor in F.D.R. No. 555924, the interest accrued thereon was not added to the amount of Rs. 32,000 deposited by the respondent. Learned counsel for the respondent fairly agreed across the Bar that his client would give the aforesaid units and deposit the amount of interest of the fixed deposit in the name of the minor and would hand over the fixed deposit receipt thereof to the counsel for the petitioner. Counsel for the respondent has undertaken to handover the same to the counsel for the petitioner and obtain the receipt of handing over within six months from today.

G The petition is accordingly disposed of. The disputes now totally stand concluded between the parties.

T.N.A.

Petition disposed of.