



**IN THE HIGH COURT OF SIKKIM AT GANGTOK**  
(Civil Appellate Jurisdiction)

DATED : 30.08.2010

**CORAM**

**HON'BLE MR. JUSTICE P.D. DINAKARAN, CHIEF JUSTICE  
AND  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDGE**

**MAT APPL. No. 01 of 2008**

Smt. Bhawna Verma,  
Daughter of Shri Shiv Bachan Ram,  
Resident of Kumhar Puraba,  
P.O. & P.S. Phulwaria,  
District Varanasi,  
Uttar Pradesh-221 001.

...Petitioner.

-versus-

Shri Anil Kumar Verma,  
Son of Shri Ram Sunder Verma,  
Resident of Melli Bazar,  
P.O. and P.S. Melli,  
South Sikkim.

...Respondent.

For the appellant : Mr. A.K. Upadhyaya, Sr. Advocate  
with Mr. Ashim Chhetri, Advocate

For the respondents : Mr. Ramesh Sharma, Advocate

**ORDER*****DINAKARAN, CJ***

1. The Matrimonial Appeal No. 1 of 2008 is directed against the decree and judgment dated 12.10.2007 made in Family Court (Civil) Case No. 40/2006 on the file of the Court of the Judge, Family Court Sikkim at Gangtok, wherein a divorce petition filed by the respondent-husband against the appellant-wife herein, under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 was decreed.

2. The matter was referred to the Mediators by an Order dated 23.08.2010, which reads as hereunder:

"Heard both the appellant-wife and respondent-husband in detail. We also permitted them to speak out their grievances in open Court and thereafter, we permitted them to interact separately for nearly about one hour. It appears that they have talked to each other after 4 years gap.

With this background, we are of the considered opinion that, referring the matter to the mediation will pave way for appropriate settlement. Therefore, we, with the consent of the parties as well as of the mediators, namely, Ms. K.D. Bhutia and Ms. Navtara Sarda, refer this matter to the said mediators, so that they shall hold a mediation with the guidance of Mr. Ajay Mehta and Mr. Surendra Singh, and report the outcome of the mediation by Friday, the 27<sup>th</sup> August, 2010.

Until then option is given to both the parties either to stay together, or alternatively respondent-



husband shall meet the expenses of the appellant-wife, during her stay till Friday."

3. However, the Mediation was not successful and the Mediators filed their failure report dated 27.08.2010, the relevant portion of the same reads as under:

"That in compliance of the order dated 23/8/2010 the mediators namely Miss K.D. Bhutia and Miss Navtara Sarda with the assistance of the Ld. Mediators, Shri Ajay Mehta and Shri Surendra Singh adopted all the procedures and techniques to help the parties to come to an amicable settlement but inspite of the efforts of the mediators the matter could not be settled amicably."

4. Hence, the matter was taken for argument on 27.08.2010. Of course, both appellant-wife and respondent-husband were present in the Court.

5. After completing the respective arguments, both the learned counsel appearing for the appellant-wife and respondent-husband sought time till Monday (30.08.2010) to workout a settlement.

6. Today(30.08.2010), both the parties appeared along with their respective counsel on record and filed a Joint Memorandum of Compromise dated 30.08.2010 which reads as follows:

" 'DISTRICT EAST, GANGTOK (SIKKIM)'  
**IN THE HIGH COURT OF SIKKIM AT GANGTOK**  
**(CIVIL APPELLATE JURISDICTION)**

**MAT Appl. No. 1 Of 2008**

Smt. Bhawana Verma

...APPELLANT.

-VERSUS-

Shri Anil Verma

...RESPONDENT.

**DEED OF SETTLEMENT**

That the captioned Matrimonial Appeal filed by the Appellant Wife named above against the impugned Judgment and Decree of Divorce dated 12.10.2007 passed by the learned Judge Family Court, Sikkim at Gangtok in Family Court Case No. 40 of 2006 is pending disposal before this Hon'ble Court.

That the Parties have amicably settled the matter in presence of witnesses mentioned herein below, on the following terms and conditions;

1. That the marriage between the Appellant Wife and the Respondent Husband shall stand dissolved and they shall cease to remain husband and wife.
2. That the Respondent husband shall pay a total sum of Rs.5,00,000/- (Rupees Five Lakhs) only to the Appellant as permanent alimony, within a period of five months from today. The dissolution of marriage between the parties shall be subject to the final payment of the aforesaid permanent alimony.
3. That till the payment of the permanent alimony of Rs.5,00,000/- (Rupees Five Lakhs) only within five months, the Respondent Husband shall pay a monthly maintenance of Rs.5,000/- (Rupees Five Thousand) only.
4. That henceforth, the parties shall have no claim against each other of any kind whatsoever.





5. The parties shall not interfere in the personal life of each other.
6. That the Appellant wife undertakes to withdraw the application under Section 125 of the Code of Criminal Procedure, 1973 filed by her being case No. 51 of 2007 in the Family Court at Varanasi against the Respondent husband.
7. That the Respondent husband undertakes to handover the personal belonging of the Appellant wife.
8. That this Deed of Settlement between the parties being subject to the payment alimony of Rs.5,00,000/- (Rupees Five Lakhs) only, the entire shares of the Respondent Husband in his ancestral property shall stand attached till all the terms and conditions of this Deed of Settlement, to be fulfilled by the Respondent Husband, are fully complied with by the Respondent Husband.
9. That this deed of settlement between the parties shall form a part of the record of the present appeal.
10. That the terms of this settlement have been drawn as agreed by and between both the parties.
11. That both the parties have been explained the terms of this settlement by their respective counsel and having understood the same by both the parties, they have executed this deed of settlement with their full consent and free will.

That both the parties above named have understood the contents of this Deed of Settlement and also going through all the paragraph mentioned herein above, sign with their free will and consent on this the 30<sup>th</sup> Day of August, 2010, at Gangtok, in presence of the witnesses mentioned herein below;



GANGTOK  
Date: 30.08.2010

APPELLANT

IN THE PRESENCE OF;

Sd/-  
(Bhawana Verma)

Sd/-  
Mr. Ramesh Sharma  
Advocate, Gangtok

RESPONDENT

Sd/-  
Mr. Shiv Bachhan Ram  
R/o Kumhar Puraba,  
Phulwaria, Varanasi.

Sd/-  
(Anil Kumar Verma)

Sd/-  
Miss Mukul Rani Parajuli  
ADVOCATE "

7. Both the appellant-wife and respondent-husband, who are present in the Court confirmed that they have agreed with the terms of the Joint Memorandum of Compromise dated 30.08.2010, referred to above.

8. In view of the above subsequent development, no further orders are required in the above matrimonial appeal, except to accept the Joint Memorandum of Compromise dated 30.08.2010 as part of the record in the appeal, marked as Exhibit 'X', and to make it clear that both the parties shall adhere to the terms of Joint Memorandum of Compromise dated 30.08.2010 without any lapses, on either side.



The Matrimonial Appeal stands disposed of accordingly.

(S.P. WANGDI, J)  
30.08.10

(P.D. DINAKARAN, CJ)  
30.08.10

rsr/jk