IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 25th OF AUGUST, 2023

WRIT PETITION No. 20276 of 2023

BETWEEN:-

ASHWANI PRADHAN S/O SHRI ASHOK KUMAR PARADHAN, AGED ABOUT 38 YEARS, OCCUPATION: LT. COLONEL R/O 332/1, G.S. SURI ENCLAVE 506, ARMY BASE WORKSHOP , DISTRICT JABALPUR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ASHOK KUMAR JAIN - ADVOCATE)

AND

SMT. PRIYANKA PRADHAN W/O SHRI ASHWANI PRADHAN D/O BHAGWAN SINGH PRADHAN, AGED ABOUT 31 YEARS, R/O 671/E/3, SANJAY VIHAR COLONY, DAKRA GARHI, DISTRICT DEHRADUN (UTTARAKHAND)

.....RESPONDENT

(BY SHRI ANSHUMAN SINGH - ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

Matter is taken up in Camera Proceedings at 4:30 PM.

Lieutenant Colonel Shri Ashwani Kumar Pradhan is present in person alongwith his Advocate Shri Ashok Kumar Jain.

Smt.Priyanka Pradhan is present in person alongwith her Advocate Shri Anshuman Singh.

This Writ Petition under Article 226 of the Constitution of India is filed by Petitioner/Lieutenant Colonel Shri Ashwani Kumar Pradhan being aggrieved

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of order dated 23.6.2023 passed by learned Judicial Magistrate First Class, Jabalpur in M.J.C.R No.6297/2022 directing handing over of the custody of the Son of Petitioner & Respondent, namely, Master Yuvin Pradhan, Aged 6 Years, in favour of his Mother Smt.Priyanka Pradhan.

The matter is conciliated and the parties have agreed to settle their dispute in the following terms:-

"1. The petitioner will not press this writ petition qua the order dated 23.6.2023 passed by learned Judicial Magistrate First Class, Jabalpur in M.J.C.R No.6297/2022.

2. It is agreed between the parties that the respondent will give consent for mutual divorce in the pending divorce proceedings.

3. It is agreed between the parties that the respondent will file a joint application for mutual divorce, which will be considered by the Family Court.

4. It is agreed between the parties that they will also move an application for condonation of waiting period of six months in the light of the decision of the Apex Court in **Amardeep Singh versus Harveen Kaur (2017) 8 SCC 746** and that application will also be considered by the Family Court for obtaining the mutual divorce as the parties are in agreement that they have been in litigation for quite sometime and are living separately and despite best of their efforts to reconcile their personal differences, they are not able to make up their differences.

5. It is agreed between the parties that the custody of Master Yuvin Pradhan will be with his Mother Smt.Priyanka Pradhan and

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she will be responsible for his upkeep, studies and future growth.

6. It is agreed between the parties that the petitioner will pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) Per Month to the respondent including School Fees of Master Yuvin Pradhan including transportation charges.

7. It is agreed between the parties that Master Yuvin Pradhan will be allowed by his mother to talk to his father everyday between 7:00 to 8:00 PM on WhatsApp Call/Voice Call or any other electronic means of communication.

8. It is agreed between the parties that due to some emergency like ill-health of Master Yuvin Pradhan or School Examination or some other unavoidable reason, if the aforesaid routine of making call(s) is not followed for a short duration of 6-7 days then no objection will be raised by either of the parties.

9. It is agreed between the parties that Father/Lieutenant Colonel Shri Ashwani Kumar Pradhan will have a visiting right to meet his son Master Yuvin Pradhan. He will be able to meet his son on his trips to place of residence of Master Yuvin Pradhan on weekends after giving prior intimation of Seven Days to his Mother Smt.Priyanka Pradhan. During Summer & Winter Vacations of Master Yuvin Pradhan, Father/Lieutenant Colonel Shri Ashwani Kumar Pradhan will be allowed to take Master Yuvin Pradhan for an outing and will be entitled to keep him with himself for a period of Fifteen Days on each of the Vacations. The aforesaid event will be permissible at the maximum twice in a Year subject to vacation of Master Yuvin Pradhan and not otherwise.

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10. It is mutually agreed between the parties that they will either withdraw or compromise all their civil and criminal cases pending against each other.

11. It is agreed between the parties that all the Jewelleries given by the Parents of Smt.Priyanka Pradhan, which are in possession of Lieutenant Colonel Shri Ashwani Kumar Pradhan or his Family, will be returned back to Smt.Priyanka Pradhan on the date of filing of the application for mutual divorce.

12. It is agreed between the parties that the petitioner shall pay one time Permanent Alimony of Rs.10,00,000/- (Rupees Ten Lakh Only) to the respondent, which will be invested by Smt.Priyanka Pradhan in the joint names of Master Yuvin Pradhan and Smt.Priyanka Pradhan in a Monthly Income Scheme of the Indian Post Office or a Nationalized Bank for a period of Ten Years. Smt.Priyanka Pradhan & Master Yuvin Pradhan will be entitled to derive the benefit of the monthly income for their own well being and upkeep.

13. It is agreed between the parties that Lieutenant Colonel Shri Ashwani Kumar Pradhan will try to obtain a Dependent Card for his Son Master Yuvin Pradhan so that Master Yuvin Pradhan can avail medical facility and the facilities admissible to a Ward of an Army Personnel."

This Writ Petition is disposed of in view of the aforesaid mutual settlement arrived at between the parties in Camera Proceedings held on 25.8.2023 at 4:30 PM.

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Certified copy as per rules.

(VIVEK AGARWAL)
JUDGE

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