

SUPREME COURT OF INDIA

Rama Shankar Srivastava

Vs.

State of Uttar Pradesh

CrI.A.No.1339 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

04.08.2017

JUDGMENT

Kurian Joseph, J.,

SLP(CrI.)3594 of 2017

1. Leave granted.

2. The appellant is before this Court, aggrieved by the order passed by the High Court in the matter of maintenance to his wife. Having seen the ailing condition of the appellant, who is present before us today, this Court passed the following order on 03.05.2017 :-

"Learned counsel for the petitioner submits that the petitioner and Respondent No.2 have been living separately ever since 1994 and in case notice is issued, there is a fair chance of settlement of the disputes once and for all. In view of the above submission, issue notice to Respondent No.2 only, returnable on 13.07.2017. The petitioner and respondent No.2 are directed to be present before this court on 13.07.2017. In the meanwhile, there will be stay of impugned order on the condition that the petitioner pays an amount of Rs.50,000/- (Rupees Fifty Thousand) directly to Respondent No.2 by way of a Demand Draft drawn in her name, within a period of one month from today."

3. Thereafter, on 13.07.2017, this Court passed the following order:-

"The petitioner is present in person. However, respondent No.2 is reported to be unwell. Learned counsel appearing for the respondent No.2, however, submits that Respondent No.2 is also willing for one-time settlement of the disputes once for all. Learned counsel for respondent No.2 is directed to get instructions as to what are the terms on which Respondent No.2 would like to settle the matter. List after three weeks."

4. Today also, Respondent No. 2 is not present. However, the learned counsel for the respondents submits that she is also not averse to a one time settlement. The question is only with regard to the permanent alimony. Though she is desirous of a handsome amount and in view of the fact that the appellant is aged and ailing and no more in service, she is prepared for a reasonable amount. The learned counsel for the appellant has offered that, in addition to Rs. 50,000/- already paid, he will pay an amount of Rs. 2.5 Lakhs (Rupees Two Lakhs and Fifty Thousand), which, according to the appellant, is a reasonable amount. In the absence of Respondent No.2, we are not in a position to say one way or the other.

5. In the above circumstances, we are of the view that the High Court would be in a better position to finalize the settlement and to complete the formalities regarding divorce. Therefore, we set aside the impugned order and remit the matter to the High Court at Lucknow Bench. The parties will appear before the Lucknow Bench of the High Court on 01.09.2017.

6. With the above observations and directions, this appeal is disposed of.