

G Puttaiah Vs. Smt. Ningainma

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Court : Karnataka

Decided On : Nov-04-2010

Judge : B.Sreenivase Gowda J.

Appeal No. : CRIMINAL PETITION No. 3721 of 2009

Appellant : G Puttaiah

Respondent : Smt. Ningainma

Advocate for Def. : Sri. Ranganath S Jois, Adv.

Advocate for Pet/Ap. : M/s. P Nataraju Adv

Judgement :

ORDER

1. The petitioner in the above petition has sought for setting aside the order dt. 24-6-09 passed in Crl.RP.No, 143/08 by the Fast Track Court-IV. Mandya. and the order dt. 26-8-08 passed in C.Misc.No.20/08 by the JMFC, Malavalli.

2. Facts leading to the case are: The first respondent is the legally wedded wife of the petitioner. Smt.Mahadevamma, Smt.Shanthamma and Kumari Kalpana, the second respondent herein are the legitimate daughters of the petitioner and the first respondent. The respondents i.e. the wife and third daughter of the petitioner filed a petition in C.Misc. 20/08 against the petitioner for enhancement of maintenance awarded in their favour in C.Misc. No.55/06. The JMFC. Malavalli. by

order dt. 26-8-08 allowed their petition and enhanced the maintenance. Petitioner aggrieved by the order of JMFC, challenged the same in CrI.P.No. 143/08 before the Fast Track Court. Mandya and the same was dismissed as per order dt. 24-6-09. challenging these two orders, petitioner has preferred the above petition. In the meanwhile the three daughters of the petitioner and first respondent. namely Smt.Mahadevamma. Smt.Shanthamma and Kumar! Kalpana, the second respondent herein, filed a suit in O.S.No.29/09 against the petitioner in the Court of Civil Judge (Jr.Dn.) Malavalli. for partition and separate possession of suit properties.

3. During the pendency of this petition, the entire dispute between the parties and the other two daughters of the petitioner and first respondent came to be settled amicably.

4. As per settlement, petitioner has agreed to give lands indicated in Schedule I of the Joint Memo in favour of his daughters, including the second respondent and has agreed to give house property and a sum of Rs.2,00,000/- from his retirement benefits in favour of his wife - Ningamma, the first respondent herein towards her resident and permanent alimony. Further he has agreed to give Rs 2,00,000/- in favour of his third daughter Kumari Kalpana. the second respondent herein, from his retirement benefits to meet her marriage expenses.

5. Parties have reduced the terms and conditions of settlement into writing by way of Joint Memo for Settlement and Joint Memo for Settlement signed by the parties and their respective Counsel, including other two daughters of the petitioner and first respondent, is taken on record and all the parties were also present before the Court.

6. As per the Joint Memo, petitioner has paid a sum of Rs. 10,000/- to the first respondent today towards part payment and respondents have acknowledged the receipt of the same.

7. Parties have also settled the dispute relating to the suit O.S.No.29/09 filed by the daughters of the first respondent against the petitioner, pending before the Civil Judge (Jr.Dn.), Malavalli.

8. In view of settlement of entire dispute, Criminal Petition and C.Misc.No.20/08 are disposed of in terms of the joint memo. Parties are at liberty to file a detailed compromise petition in O.S.No.29/09 pending on the file of Civil Judge (Jr.Dn.), Malavalli and get the suit disposed of accordingly.

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