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% 27.10.2010

Present:- Mr. Rajesh Srivastava for the appellant.
Mr. J.P. Singh for the respondent.

+ MAT APP No. 9/2010 & CM. No. 19075/2010

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Counsel for the parties state that pursuant to the intervention of Mediation & Conciliation Centre of Delhi High court all inter se disputes between the parties have been resolved and finally settled. Based on the said settlement agreement dated 17.9.2010, counsel for the appellant seeks to withdraw the present appeal.

In the said settlement agreement the parties have agreed to seek divorce by mutual consent by filing a joint petition under Section 13 B(1) & (2) of the Hindu Marriage Act. In terms of the agreement the appellant husband has agreed to pay a sum of Rs.12 lacs in favour of the respondent wife and the minor child. The appellant has agreed to pay sum of Rs.5 lac to the respondent wife in terms of sub-para III of para 8 of the settlement agreement. So far the amount of Rs.7 lacs is concerned, the said amount would be for the benefit of

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the minor child. The appellant husband has agreed to deposit the said amount of Rs.7 lacs in a fixed deposit under the guardianship of the respondent wife and the benefit of interest would be credited in the joint account of the respondent and child which amount can be spent by the respondent for the better maintenance and education of the child. The parties have agreed that after the dissolution of the marriage the appellant husband shall seek quashing of FIR No. 352/2003 and the respondent wife shall render all assistance to ensure quashing of the said FIR. The parties have also agreed that the permanent custody of the child shall remain with the respondent wife and the appellant shall not visit the child and shall not claim the custody of the child. It is stated that except the said criminal case there is no other litigation pending between the parties and the parties have agreed not to further litigate in future. The respondent wife has also agreed that the said amount of Rs.12 lacs is in full and final settlement of all her material claims including the claims of the minor child.

I have heard learned counsel for the parties and gone through the settlement agreement.

Since both the parties have mutually settled all their inter se disputes and have agreed to seek divorce by way of mutual consent and also in view of the fact that the appellant has agreed to withdraw the present appeal, therefore, nothing survives in the present appeal.

The appeal stands dismissed as withdrawn.

It is made clear to both the parties that they shall remain fully bound by the terms of the settlement agreement and would not deviate therefrom under any circumstance. The parties shall also render every sort of cooperation so as to ensure that their marriage is dissolved under Section 13 B(1) & (2) of the Hindu Marriage Act and the said FIR No. 352/2003 is quashed. If there is any breach in the agreement the parties shall be at liberty to revive their respective proceedings.

DASTI.

October 27, 2010
MG


KAILASH GAMBHIR, J