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% 25.10.2010

Present:- Mr.Chittaranjan Hati, Advocate for the appellant.
Ms.Vibha Mahajan Seth, Advocate for the
respondent.
Parties in person.

+MAT.APP No.94/2009

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Both the parties are present in Court today with their respective counsel. Counsel for the parties state that both the parties have amicably settled their *inter se* disputes pursuant to the intervention of the Delhi High Court Mediation and Conciliation Centre and a settlement agreement dated 19th October, 2010 has been duly executed between the parties. Counsel further submit that the appellant is fully blind while the respondent is partially blind and both the parties have agreed to enter into the said settlement after they were fully explained the terms of the settlement agreement in their vernacular language and after having fully understood the implications of the same.

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physical file have been compared and
the digital data is as per the physical
file and no page is missing.

Counsel appearing for the parties on instructions from the parties also state that both the parties have taken a decision not to seek divorce for the time being, but just to live separately in terms of Clause-6 (g) of the settlement agreement.

In the present appeal, the appellant seeks to challenge the judgment and decree dated 21.05.2009 whereby the petition filed by the appellant under Section 10 of the Hindu Marriage Act for judicial separation was dismissed by the learned trial court. During the pendency of the present appeal in this Court, the matter was sent to the Delhi High Court Mediation and Conciliation Centre to explore the possibility of an amicable settlement between the parties and vide settlement agreement dated 19th October, 2010, the parties have amicably settled their *inter se* disputes. In terms of the said settlement agreement, both the parties have taken a decision not to seek divorce for the time being, but to live separately without any kind of interference by them in their lives. Both the parties have also taken a decision to withdraw their respective cases/complaints filed by them against each other.

Based on the aforesaid settlement agreement, the appellant seeks to withdraw the present appeal. The same is accordingly dismissed as withdrawn. It is made clear to both the parties that they shall remain bound by the terms of the said settlement agreement and shall not violate any term thereof in any manner whatsoever.

With the above directions, the appeal stands disposed of.

October 25, 2010
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KAILASH GAMBHIR, J