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% 21.10.2011

Present: Mr Desh Raj, Advocate for the Appellant alongwith Appellant in person.

Ms Kusum Lata Sharma, Advocate for the Respondent with Respondent in person.

+MAT APP. No.136/2009 & CM No.18625/2009

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Counsel for the parties submit that the matter in dispute between the parties has been settled due to the intervention of Mediation & Conciliation Centre of this Court. Settlement Agreement dated 20.09.2011 has been placed on record. Same is Exhibit C-1. As per the said settlement all the disputes between the parties have been amicably settled. In terms of the settlement the Respondent has agreed to pay a sum of Rs 3 lacs to the Appellant towards all material claims inclusive of her past, present and future maintenance as well as the claims of the minor daughter baby Anushka. Out of the said sum of Rs 3 lacs, the Respondent has already paid a sum of Rs 1 lac to the Appellant and the second instalment of Rs 1 lac has been paid to the Appellant in Court today by way of cash. Third instalment of Rs 1 lac will be paid by the Respondent to the Appellant at the time of quashing of FIR No.64/2007. Counsel for the Appellant submits that the Appellant has already withdrawn Petition under Section 12 of the Hindu Marriage Act

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and the Appellant has also agreed that she shall render full co-operation in getting the FIR quashed from this Court.

Parties have also agreed that the Respondent shall have a visiting right to visit the minor child at least once in a month but such a visit will be with prior intimation to the Appellant.

In view of the settlement, parties state that no dispute of any nature survives between them.

In the present Appeal the Appellant has challenged the judgment and decree dated 20.08.2009 passed by the Court of Additional District Judge, Delhi thereby dissolving the marriage between the parties under Section 13 (1) (ia) of the Hindu Marriage Act. In terms of the said settlement, the Appellant now wishes to withdraw the present Appeal. As a result of the withdrawal of the present Appeal the impugned judgment and decree dated 20.08.2009 shall attain finality. Out of the said sum of Rs 3 lacs a sum of Rs 2 lacs has already been paid by Respondent to the Appellant and the remaining Rs 1 lac will be paid by the Respondent to the Appellant at the time of quashing of FIR.

As per both the parties, there is no other dispute or litigation pending between the parties any more. Present Appeal is accordingly dismissed as withdrawn. Both the parties

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shall remain bound by the terms of the settlement dated 20.9.2011 and they shall not deviate therefrom under any circumstances.

October 21, 2011
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KAILASH GAMBHIR, J.