

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 226

FAO.2391 of 2015 (O & M)

Date of Decision: *November 27, 2015*

Nischae Suri

..... APPELLANT

VERSUS

Shibani Atwal

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Jatin Sehgal, Advocate, with Ms. Devna Soni,
Advocate, for the appellant.

Mr. R.S. Bains, Advocate, for the respondent.

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Rajive Bhalla, J (Oral)

The appellant challenges an order of interim maintenance passed by the Family Court, Gurgaon.

Nischae Suri – the appellant and Shibani Atwal – the respondent are present in court and state that they have resolved their dispute and are filing separate affidavits setting out the terms and conditions of a settlement requiring them to file a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short, ‘1955 Act’) at Gurgaon. The affidavits are taken on record.

A perusal of the affidavits reveals that amongst other terms, parties have agreed that custody and guardianship of their minor daughter – Shanaya Suri shall remain with the respondent, Shibani Atwal. The husband Nischae Suri shall however be entitled to visitation rights as agreed. Nischae Suri shall gift property bearing No.007, Block No.ES, ESPACE, Nirvana Country, Gurgaon to respondent and shall be responsible for discharging 50% of the pending loan. It is also agreed between the parties that in case the respondent – Shibani Atwal does not make a statement at the second motion stage, the gift and the agreement shall be null and void. The parties have also agreed to withdraw all cases and to abide by terms and conditions set out in the agreement.

Counsel for the parties pray that in view of this settlement, the appeal may be dismissed as withdrawn with liberty to approach the Family Court at Gurgaon by way of a petition under Section 13-B of 1955 Act.

We have heard counsel for the parties, perused contents of the affidavits filed by the appellant and respondent and dispose of the present petition as infructuous with liberty to parties to approach the Family Court at Gurgaon for filing a petition under Section 13-B of 1955 Act, in terms recorded in their affidavits filed in Court today. It is made clear that in case parties do not comply with the terms and conditions of their affidavits/agreement, they would be at liberty to seek

revival of the present petition and all other petitions etc. that may have been withdrawn.

(Rajive Bhalla)
Judge

November 27, 2015
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(Jaspal Singh)
Judge