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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 126/2014**

DAVINDER PAL

Through

..... Appellant
Mr. Rajeev Nanda, Advocate for the
appellant alongwith the appellant in
person

versus

MASTER MOHIT (MINOR)

Through

..... Respondent
Ms. Nancy Mittal, Proxy Counsel for
Mr. Sumesh Gandhi, Advocate for the
respondent alongwith respondent

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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15.04.2015

An amount of Rs.50,000/- has been paid by the appellant to the respondent present in Court vide Bankers Cheque No.425334 dated 09.04.2015 drawn on State Bank of India, New Delhi in favour of Ms. Harsh, mother of the minor respondent in terms of the fresh settlement arrived at between the parties on the last date, which has been duly referred to in the order dated 07.04.2015.

The learned counsel also handed over a fresh letter written by the appellant to the Branch Manager, State Bank of India, Hari Nagar, New Delhi- 64 giving his no objection for release of the amount of the FDR

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alongwith the interest accrued thereon in favour of the respondent. The learned counsel also submits that if required he shall present himself before the said Bank.

The learned counsel further submits that the appellant will file a fresh Petition under Section 482 of the Cr.P.C. to seek quashing of the FIR being No. 118/1998, under Sections 498A/406/34, IPC, PS- Hari Nagar and a direction be given to the respondent to co-operate with the appellant in getting the said FIR quashed. The learned counsel also submits that except the pendency of this FIR against the appellant, no other proceedings are pending between the parties.

We have heard the learned counsel for the parties. Both the parties are present in Court alongwith their respective counsel.

The present Appeal has been preferred by the appellant under Section 19 of the Family Courts Act, 1984 to challenge the order dated 10.07.2014 passed by the learned Judge, Family Court (West), Tis Hazari Courts, Delhi in HAM No.07/2014 whereby the learned Family Court has given the direction to pay an amount of Rs.5,000/- per month in favour of the respondent- minor who had filed the Petition under Hindu Adoption & Maintenance Act, through his mother and next friend Smt. Harsh.

The disputes between the parties were settled in terms of the settlement by a decree of divorce dated 04.08.2005. The appellant has agreed to pay a sum of Rs. 4,50,000/- (Four Lac Fifty Thousand Only) to the respondent- minor through his wife Smt. Harsh. Out of the said amount of Rs. 4,50,000/-, the appellant has already paid an amount of Rs.3,00,000/- (Three Lac Only) to the respondent- minor and the balance amount of Rs.1,50,000/- (One Lac Fifty Thousand Only) was to be paid by the appellant at the time of quashing of the said FIR. As per the appellant, the respondent- minor through his mother refused to accept the said balance of Rs.1,50,000/- which was extended by him to his wife at the time of seeking quashing of the said FIR and thereafter, the respondent- minor through his mother filed a Petition under Section 18 of the Hindu Adoption & Maintenance Act seeking grant of maintenance in his favour. In the said Petition, the respondent also filed an application under Section 151 of the CPC for the grant of interim maintenance and vide order dated 10.07.2014 the learned Judge, Family Court (West), Tis Hazari Courts, Delhi had allowed interim maintenance @ Rs.5,000/- per month, which order is under challenge in the present appeal.

On the last date, both the parties have again entered into the

settlement and as per the said settlement, the appellant has agreed to pay an additional amount of Rs.50,000/- to the respondent- minor over and above the amount of Rs.1,50,000/- which was to be paid by the appellant. The amount of Rs.1,50,000/- has already been paid by the appellant on the last date and the balance amount of Rs.50,000/- has been paid by him to the respondent- minor in the Court today.

So far as the present appeal is concerned, nothing survives in the same in the light of the said settlement arrived at between the parties. The impugned order dated 10.07.2014 and the present appeal filed by the appellant accordingly disposed of. In terms of the said settlement dated 07.04.2015, no further amount is left to be paid by the appellant to the respondent- minor in terms of the impugned order or otherwise.

As per both the parties, no other proceedings of any nature are pending between them except the pendency of the criminal case registered against the appellant and his family members vide FIR No. 118/1998, under Sections 498A/406/34 IPC, PS- Hari Nagar.

Let the appellant file a fresh Petition to seek quashing of the said FIR and on the filing of the same, the respondent- minor is directed to fully co-operate with the appellant and his other family members in seeking quashing

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of the said FIR and she shall also present herself as and when required by the Court to seek quashing of the said FIR.

We make it clear to both the parties not to take any contrary stand or to commit any defiance of the fresh settlement arrived at between them and in case of any defiance of the said direction, he/she shall have to suffer the consequences arising from such defiance.

With the above direction, the present appeal and all the pending applications are disposed of.

Dasti.


KAILASH GAMBHIR, J.


L.S. MEHTA, J.

APRIL 15, 2015

v