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

+ **MAT.APP.(F.C.) 103/2014**

NEETU GUPTA

..... Appellant

Represented by: In person

versus

SUMIT GUPTA

..... Respondent

Represented by: Mr.Surender Tyagi, Advocate
with respondent in person

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **03.11.2016**

MAT.APP.(F.C.) 103/2014

1. Respondent's petition seeking annulment of the marriage with the appellant by passing decree of divorce has succeeded on the ground of desertion. It is failed on the ground of cruelty.
2. On October 03, 2016 the parties presented in Court a written deed of settlement each page whereof was signed by them and the last page witnessed by their respective counsel; Ms.Rekha Aggarwal, Advocate for the appellant and Mr.Surinder Tyagi, Advocate for the respondent.
3. Deferring consideration of the appeal for today, in the order dated October 03, 2016 said fact was recorded.
4. The appeal was deferred for today on account of the fact that in terms of the settlement the appellant had to withdraw the petition filed by her

under Section 125 Cr.P.C. from the Family Court, Saket and the respondent had to pay to the appellant ₹12 lacs out of which ₹8 lacs had to be invested by the appellant in a fixed deposit in the name of her daughter. She was to receive the interest accruing thereon. ₹4 lacs was for the appellant herself.

5. Today, the appellant has appeared in person. Respondent has appeared with the counsel.

6. Both parties admit the fact that the terms of the settlement have been worked out. Respondent has paid ₹12 lacs to the appellant who has deposited ₹8 lacs therefrom in the name of her minor daughter. The deposit is with Vijaya Bank. Original term deposit receipt has been shown to the respondent. Photocopy has been supplied to him.

7. Today we have recorded the statements of the appellant and the respondent.

8. In view of the settlement between the parties, noting that the marriage between the two was solemnized on June 23, 2004 and separation between the two took place on January 15, 2007, we waive the requirement of the first motion and six months cooling period for the second motion contemplated by Section 13B of the Hindu Marriage Act, 1955.

9. We dispose of the appeal setting aside the impugned order dated February 15, 2014 and simultaneously directing dissolution of the marriage between the appellant and the respondent by granting a decree of divorce by mutual consent.

10. No costs.

CM No.14973/2014

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

NOVEMBER 03, 2016

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