

S-36-38

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

CM No.36537/2017 in

+ FAO(OS) 14/2017

AVNIJA AHLUWALIA (MINOR)

..... Appellant

Through : Mr. Manav Gupta, Adv.

versus

BIKRAMJIT AHLUWALIA & ORS

..... Respondents

Through : Mr. Anil Kr. Gupta,
Mr. Piyush Gupta,
Mr. Satvik Bajaja and
Mr. Amit Sharma, Advs.

CM No.36536/2017 in

+ FAO(OS) 26/2017

BIKRAMJIT AHLUWALIA

..... Appellant

Through : Mr. Anil Kr. Gupta,
Mr. Piyush Gupta,
Mr. Satvik Bajaja and
Mr. Amit Sharma, Advs.

versus

AVNIJA AHLUWALIA (MINOR) THR NEXT FRIEND

..... Respondent

Through : Mr. Manav Gupta, Adv.

CM No.36512/2017 in

+ MAT.APP.(F.C.) 174/2017

VIKAS AHLUWALIA

..... Appellant

Through : Mr. Anil Kr. Gupta,
Mr. Piyush Gupta,
Mr. Satvik Bajaja and
Mr. Amit Sharma, Advs.
with appellant

FAO(OS) 14, 26/2017 & Mat.Ap(FC) 174/2017

page 1 of 4

versus

SIMRAN AHLUWALIA

..... Respondent

Through : Mr. Manav Gupta, Adv.
with respondent

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

%

11.10.2017

CM No.36537/2017 in FAO(OS) 14/2017; CM No.36536/2017 in FAO(OS) 26/2017 and CM No.35512/2017 in MAT.APP.(F.C.) 174/2017 (for withdrawal of appeals)

1. CM No.36537/2017 in FAO(OS) 14/2017 has been filed on behalf of the minor-appellant by Ms. Simran Ahluwalia, her mother and guardian; CM No.36536/2017 in FAO(OS) 26/2017 has been filed by the appellant therein-Mr. Bikramjit Ahluwalia; and CM No.36512/2017 in MAT.APP.(F.C.) 174/2017 has been filed by the appellant therein-Mr. Vikas Ahluwalia placing on record a mediation settlement dated 25th September, 2017 entered into between Mr. Vikas Ahluwalia, his father Sh. Bikramjit Ahluwalia and Ms. Simran Ahluwalia on behalf of herself as well as her minor daughter Ms. Avnija Ahluwalia.

2. We may note that Ms. Simran Ahluwalia and Mr. Vikas Ahluwalia are present in court. Learned counsel for the parties submit that the settlement agreement dated 25th September, 2017 (Annexure I to CM No.36537/2017) was entered voluntarily and of the free will of the parties. It is submitted that the settlement has

been arrived at keeping in view the welfare and benefit of all the parties especially the minor child Ms. Avniya Ahluwalia.

3. The parties who are present also confirm the same and submit that they are satisfied with the terms of settlement. Parties undertake to remain bound by the terms of the settlement and ensured that they will strictly abide by the same.

4. We have examined the settlement dated 25th September, 2017 (annexure I hereto) which is signed by all the parties thereto. We are satisfied that the settlement was entered into bonafide and without any kind of force, pressure or undue influence. The terms of the settlement are in the welfare and benefit of Ms. Avniya Ahluwalia, the minor daughter of Ms. Simran and Mr. Vikas Ahluwalia.

5. We accept the undertakings given by the parties. Parties shall remain bound by the terms of the settlement.

6. By these applications, the applicants have sought leave to withdraw the appeals. The appeals are, therefore, disposed of as withdrawn keeping in view the settlement dated 25th September, 2017.

7. We are also informed that the first motion under Section 13(B)(1) of the Hindu Marriage Act, 1956 has been filed jointly by Ms. Simran Ahluwalia and Mr. Vikas Ahluwalia captioned as "*Vikas Ahluwalia and Simran Ahluwalia*" which is listed before Mr. Narottam Kaushal, Principal Judge, Family Courts, District South and the date in the matter has been fixed for 23rd October, FAO(OS) 14, 26/2017 & Mat.Ap(FC) 174/2017

19

2017. Ms. Simran and Mr. Vikas Ahluwalia are separated since 2008 and have been litigating in proceedings under Section 13 of the Hindu Marriage Act for almost seven years. With great difficulty, they have been able to settle their disputes before the Delhi High Court Mediation & Conciliation Centre. It is well settled that the parties have not cohabited since 2008.

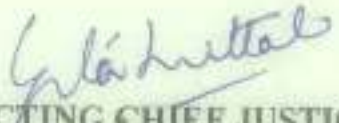
It is therefore expected that the learned Family Court Judge shall expeditiously proceed in the matter in accordance with law.

8. In view of the disposal of the appeals, the date fixed in these cases for 30th October, 2017 shall stand cancelled.

9. Both parties have expressed their appreciation for the facilitation and efforts put in by Ms. Veena Ralli and Mr. Rajiv Agarwal, the mediators in the present appeals. We also place on record our appreciation for the work undertaken by them at Samadhan-Delhi High Court Mediation & Conciliation Centre.

Let a copy of this order be sent to the Delhi High Court Mediation & Conciliation Centre.

Dasti to parties.


ACTING CHIEF JUSTICE


C. HARI SHANKAR, J.

OCTOBER 11, 2017/kr