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

+ MAT.APP.(F.C.) 148/2018

AVNEET KAUR

..... Appellant

Through: Mr.Ajay Kohli and Ms.Bhumika Kapoor,
Advts.

versus

GAGANDEEP SINGH

..... Respondent

Through: Mr.Ashish Aggarwal, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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24.09.2018

The present appeal is directed against the order dated 24.04.2018, by which the application filed by the appellant (wife) under Section 24 of the Hindu Marriage Act seeking maintenance has been rejected primarily on the ground that the parties had arrived at an amicable settlement and during the course of settlement, the respondent had paid an amount of Rs.6,37,000/-. We may note that although the petition for divorce by mutual consent (first motion) was filed and settlement had been recorded but subsequently, the respondent wriggled out of the settlement.

We have heard learned counsels for the parties.

In our view, the aforesaid application is required to be reheard and all the grounds urged by both the parties are to be reconsidered and merely because at the time of settlement Rs.6,37,000/- was paid should not be a ground alone to decide/reject the application. Accordingly, we set aside the impugned order dated 24.04.2018. The matter be listed before the Family Court on 02.11.2018. We make it clear that we have not expressed any opinion on the merits of the

matter.

With the above directions, the appeal stands disposed of. Rights and contentions of both the parties are kept open.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 24, 2018

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