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

\+ MAT.APP.(F.C.) 88/2017 & CM No.18880/2017 (stay)

AJAY SHARMA ..... Appellant

Through: Mr.Sandeep Thakur, Advocate.

versus

ANUPAMA SHARMA ..... Respondent

Through: Mr.Yomesh Dutt and Mr.Ravi Kumar, Advocates for respondent.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

O R D E R

% 14.08.2018

CM No.18881/2017 (delay)

Although there are no sufficient grounds for condonation of delay, in view of the stand taken by counsel for the appellant the delay is condoned.

Application stands disposed of.

MAT.APP.(F.C.) 88/2017 & CM No.18880/2017 (stay)

The present appeal is directed against the order dated 10.12.2015. Some necessary facts which are required to be noticed for disposal of this appeal, are that the marriage between the parties was solemnized on 13.11.2013, parties separated on 08.01.2014. No children were born out of their wedlock. The appellant herein had filed a petition under Section 9 of the Hindu Marriage Act seeking restoration of the conjugal rights. During the pendency of this petition, a joint statement was made which reads as under:

"***Joint Statement of***

Shri Ajay Sharma s/o Late Sh. Lekhraj Sharma, aged about 88 years, R/o H.No.300, Village Shalimar, Delhi, Petitioner

And

Smt. Anupama Sharma W/o Sh. Ajay Sharma D/o Sh. Satish Sharma, aged about 36 years, R/o H.No.99, F-17, Pocket-17, Sector-8, Rohini, Delhi, Respondent.

On SA:

We have resolved our matrimonial disputes and differences including stridhan, maintenance – past, present and future and

permanent alimony amicably today in the court. We have decided to dissolve our marriage by mutual consent. We shall be filing the first motion after the statutory period of separation and second motion after statutory period thereof.

I, Ajay Sharma, have agreed to return the articles belonging to the Respondent within 15 days i.e. 13.03.2014. I undertake not to make any unwarranted or threatening calls personally or indirectly to the respondent.

I, Anupama Sharma, have agreed to return the gold ring presented to her by the petitioner on 13.03.2014.

We have agreed that we shall not file any litigation-criminal or civil against each other and their respective family members qua this marriage in any court of law or authority in future. We shall be bound by our statement. We pray that the petition be disposed of as compromised

(Kamlesh Kumar)
Principal Judge (North-West)
Family Courts, Rohini, Delhi
26.02.2014".

It is the complaint of the appellant that thereafter he had approached the respondent for filing the first motion however, she had refused to cooperate. It is contended that she had filed a petition under Section 12 of the Contempt of Courts Act before the Family Courts, which has been disposed of.

Counsel for the appellant submits that post the petition being disposed of a reference in Cont. Case (C) No.772/2013 and other batch matters has been decided on 15.05.2018. He submits that he seeks liberty to file a fresh application seeking appropriate relief while relying on the decision in Rajat Gupta and other connected matters.

The appeal and CM No.18880/2017 are disposed of in above terms. In case the application is filed, the Court would consider the same in accordance with law.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 14, 2018/afa