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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1369/2017**

SJ

..... Petitioner

Through: Mr. N.M. Popli and Mr. V.M. Popli,
Advts. with petitioner in person.

versus

RJ

..... Respondent

Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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16.07.2018

1. This petition under Article 227 of the Constitution of India impugns the order [dated 25th March, 2017 in HMA No.870/2014 of the Principal Judge, Family Courts, Shahdara, Karkardooma, Delhi] of dismissal of the application filed by the petitioner wife for amendment of the application under Section 24 of the Hindu Marriage Act, 1955 filed in a petition filed by the respondent husband under Section 13(1)(ia) of the Hindu Marriage Act.
2. This petition came up first before this Court on 1st December, 2017 and vide subsequent order dated 23rd January, 2018 notice thereof was ordered to be issued and the Trial Court record requisitioned.
3. The respondent, who states that he is an Advocate practising in Delhi, appears and states that a settlement has been arrived at between himself and the petitioner wife and they have decided to live together.
4. The counsel for the petitioner wife states that the petitioner wife has told him that there has been an oral settlement only and there is nothing in writing.

5. The petitioner wife, identified by the Advocate for the petitioner wife, present in person, on enquiry in vernacular states that she and the respondent husband have decided to live together.
6. I have enquired from the respondent husband whether he has withdrawn the petition for dissolution of marriage pending before the Family Court and from which this petition arises.
7. The respondent husband states that since the Trial Court record has been requisitioned to this Court, he has till now not withdrawn the petition but otherwise undertakes to this Court to withdraw HMA No.870/2014 filed by him under Section 13(1)(ia) of the Hindu Marriage Act.
8. The respondent husband, on enquiry, also states that there are no other proceedings between the parties and the petitioner wife also on enquiry in vernacular confirms.
9. Accepting the statements and undertaking aforesaid of the respondent husband and binding the respondent husband thereto and further directing the respondent husband to, on or before 31st July, 2018, withdraw HMA No.870/2014 of the Court of Principal Judge, Family Courts, Shahdara, Karkardooma, Delhi, this petition is disposed of.
10. Trial Court record be sent back to the Principal Judge, Family Courts, Shahdara, Karkardooma, Delhi through Special Messenger.

Dasti.

RAJIV SAHAI ENDLAW, J

JULY 16, 2018

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