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

% *Date of Judgment: 23rd July, 2018*

+ MAT.APP.(F.C.) 202/2017

ASHU GUTPA

..... Appellant

Through Mr. Sanjay Agnihotri with Mr. Syed
Anis Nizami & Mr. Vikram Yadav,
Advocates.

versus

VARSHA JAIN

..... Respondent

Through Mr. Akhil Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This is an appeal under Section 19 of the Family Courts Act, 1984 against the judgment and decree dated 30.08.2017 passed by the Family Court by which a petition filed by the appellant (husband) seeking divorce on the ground of cruelty has been dismissed.
2. The matter has been amicably resolved by the parties through mediation of the Court and the efforts made by counsels appearing for the parties and the parties. The matter was taken up in the Chamber on 11.07.2018, 10.07.2018 & 09.07.2018. On 11.07.2018, the appellant was accompanied by his father while on 10.07.2018, the respondent was accompanied by her brother. The parties have finally decided to resolve all their disputes and differences, claims and counter claims in the following manner :-

- (i) Parties agree that they would file a petition for grant of divorce by mutual consent.
- (ii) First motion shall be filed within a period of 15 days.
- (iii) The parties have agreed that the appellant shall pay to the respondent a total sum of Rs.25,00,000/- in full and final settlement of all her claims and dues towards *Stridhan*, maintenance, alimony, etc., which the respondent has agreed to accept. This amount shall be paid in the following manner :
 - (a) Bank draft, to be drawn in favour of the respondent amounting to Rs.15,00,000/-, will be annexed with the petition seeking divorce by mutual consent in the first motion and upon the statement being made by the respondent before the Family Court the demand draft shall be handed over to her.
 - (b) The second motion shall be filed within 10 days of statement being made at the first motion and in case, the appellant is able to make arrangement for the complete amount, the appellant for seeking divorce by mutual consent shall be made before the Family Court. Upon making the statement at the time of second motion, Rs.5,00,000/- shall be paid in the same way as stated in para (iii) (a) above.
- (iv) The respondent agrees and undertakes that she has no objection, if the FIR is quashed against the appellant and all his family

members, subject to the appellant paying a total sum of Rs.25,00,000/- to the respondent.

- (v) The appellant will draft a petition seeking quashing of the F.I.R. registered against the appellant and all his family members on the complaint filed by the respondent, and file the same within 7 days from the date of grant of decree of divorce.
 - (vi) The respondent agrees and undertakes to this Court that on receipt of the balance amount of Rs.5,00,000/-, she would have no objection if the F.I.R. is quashed. A sum of Rs.5,00,000/- shall be paid in Court upon respondent making the statement.
 - (vii) Parties agree and undertake that the arrangement arrived at between them has been duly understood by them. The arrangement arrived at between them today is without any fear, coercion, duress and undue influence.
 - (viii) Parties further submit that this arrangement may be treated as an undertaking to this Court and consequences of any violation have been explained to them. Parties shall append their signatures on the order sheet as token of acceptance of the above terms.
 - (ix) Parties agree and undertake to strictly adhere to the time schedule, which has been fixed upon their acceptance and concurrence.
3. The respondent submits that she and her family are living in a constant fear from the appellant and his family members. She further submits that the appellant must undertake to the Court that henceforth the

appellant and his family members will not in any manner directly or indirectly interfere, obstruct or cause any hinderance in the day-to-day life of the respondent and her family members.

4. The appellant disputes that he or his family members have ever caused any obstruction or rendered any threat to the respondent or her family members. However, both the parties agree and undertake to this Court that henceforth they will not contact each other and will not directly or indirectly cause any threat, hinderance, obstruction in the day to day life to each other. The statements so made shall also form part of the undertaking given and accepted by the Court.
5. Court appreciates the efforts put in by the counsels for the parties and the parties for early resolution in the matter.
6. Having regard to the settlement arrived at between the parties, the undertakings are accepted.
7. With these directions, the appeal alongwith CM APPLs 41826/2017 & 15939/2018 is disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

JULY 23, 2018

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