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

+ **MAT.APP.(F.C.) 93/2020**

PUNEET BATRA

..... Appellant

Through: Mr. Jatin Sehgal, Mr. Ankur Mohindru, Mr. Harish Malik and Mr. Arpit Kumar Mishra, Advocates with appellant in person.

versus

VIRDHI BATRA

..... Respondent

Through: Mr. Manish Kaushik and Ms. Anannya Nayyar, Advocates with respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **27.07.2020**

HEARD THROUGH VIDEOCONFERENCING

CM No. 16565/2020 (Exemption)

Allowed, subject to all just exceptions.

MAT.APP.(F.C.) 93/2020 & C.M. Nos.16563/2020 (stay), 16564/2020 (exemption from paying court fee) & 16566/2020 (additional documents)

1 The appellant/husband is aggrieved by a part of the judgment and order dated 23.07.2020, passed by the learned Family Court (North), Rohini, dismissing an application for stay filed by him in an anti-suit Injunction petition, to restrain the respondent/wife from continuing with the divorce

proceedings before the Circuit Court, Palm Beach County, Florida, USA. The Family Court has held that the appellant/husband is not entitled to any interim order in the anti-suit injunction petition filed by him as he has failed to establish a *prima facie* case in his favour.

2 After hearing arguments at some length, we had passed over the matter to enable learned counsel for the appellant/husband to obtain instructions from his client, particularly, in the light of the fact that the records reveal that the parties were at an advance stage of settlement and a Marital Settlement Agreement had been enclosed with an e-mail dated 16.06.2020, sent by Mr. Vipul Madan (brother of the respondent/wife) to the appellant/husband.

3 On pass over, learned counsel for the appellant/husband states on instructions from his client, who is present in the hearing that the appellant/husband has no objection to executing the Marital Settlement Agreement, as filed at page 107 onwards and the Parenting Plan filed at page 123 onwards and he shall have both the said documents notarized and forwarded to the counsel for the respondent/wife within one day. He however states that it shall be the responsibility of the respondent/wife to file the said documents before the Circuit Court, Palm Beach County, Florida, USA, for obtaining appropriate orders. The appellant further states that he has no objection to the dissolution of his marriage with the respondent by mutual consent on the condition that there shall be no further terms of settlement besides those recorded in the Marital Settlement Agreement and the Parenting Plan, referred to above.

4 The respondent/wife, who is residing at Florida, USA, has also been linked into the hearing through video conferencing. She states that she is

agreeable to the submissions made by the appellant and she agrees to take the responsibility of following up the matter before Circuit Court, Palm Beach County, Florida, USA relating to the Marital Settlement Agreement, the Parenting Plan and the divorce petition filed by her.

5 The appellant/husband has agreed that within two days from the date of executing the Marital Settlement Agreement and the Parenting Plan, he shall move an application before the Family Court for withdrawing the anti-suit injunction petition filed by him. He also undertakes not to file any other case against the respondent/wife and/or her family members or in respect of the custody etc. of the minor child of the parties, in the care and custody of the respondent/wife. We have inquired from the appellant/husband as to whether he has filed any other case against the respondent/wife or her family members. The appellant states that besides the aforesaid case pending before the Family Court, he has not filed any other case against the respondent/wife, her family members or in respect of the minor child of the parties in her care and custody and he undertakes that he shall not to do so in the future.

6 Similarly, the respondent/wife also states that besides the case pending before the Circuit Court, she has not filed any case against the appellant/husband or his family members in USA or India. The respondent/wife also undertakes not to file any case against the appellant/husband or his family members in USA or in India, in the future. Her counsel clarifies that an appeal has been preferred by the respondent against the impugned order as the Family Court has rejected an application moved by her under Order VII Rule 11 CPC, which has yet to be listed in court. The respondent/wife undertakes to withdraw the said appeal after the

appellant/husband hands over the duly executed and notarized Marital Settlement Agreement and the Parenting Plan to the learned counsel for the respondent/wife.

7. In view of the settlement recorded above, counsel for the appellant does not wish to press the present appeal.

8. Both the parties shall remain bound by the terms and conditions of settlement recorded hereinabove. In the event either party reneges from the said settlement, then the aggrieved party shall be entitled to seek legal recourse against the defaulting party which includes initiating contempt of court proceedings.

9. The present appeal is disposed of in terms of the settlement recorded hereinabove alongwith the pending applications.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 27, 2020

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