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

+ **MAT.APP.(F.C.) 58/2013**

NEENA SONI

..... Appellant

Through: Mr. K.R. Chawla, Mr. Sunil Verma and
Mr. Dhruv Chawla, Advocates alongwith
Mr. Rajesh Wadhwa, father of the appellant.

versus

RAKESH SONI

..... Respondent

Through: Mr. Rajesh Manchanda and Mr. Rajat
Manchanda, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **11.02.2020**

1. The appellant/wife is aggrieved by the judgment dated 01.5.2013, passed by the learned Family court allowing the divorce petition filed by the respondent under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 and dissolving the marriage of the parties.
2. Mr. Chawla, learned counsel for the appellant/wife states that the predecessor Bench had tried to facilitate a settlement between the parties and they had almost arrived at a settlement, but for a little difference in the offers and counter offer made by the parties.
3. Today, having interacted with counsel for the parties, they fairly state that in view of the fact that the parties had got married in the year 1991 and had separated in the year 1992 and ever since then, have been living apart for several years and the daughter of the parties, who is now 28 years old,

has all along been in the care and custody of the appellant, the respondent is willing to pay a sum of Rs.41.00 lakhs to the appellant in full and final settlement of all her claims and the claims of their daughter against him.

4. Mr. Chawla states that the appellant and the daughter of the parties will file their affidavits undertaking *inter alia* that on receiving a sum of Rs.41.00 lakhs from the respondent in full and final settlement of all their claims against him, nothing further shall be due or payable by him to either of them. He states that the said affidavit shall be filed within four weeks from today.

5. Learned counsel for the respondent states that the respondent may be given a reasonable time of six months to pay the agreed amount in instalments to the appellant.

6. The respondent shall pay a sum of Rs.11.00 lakhs to the appellant within one week from the date the affidavits are filed by the appellant and daughter of the parties with copies to counsel for the respondent. As for the balance sum of Rs.30.00 lakhs, the same shall be paid by the respondent to the appellant in four equal instalments of Rs.7.50 lakhs each on or before the 10th day of each month, the first instalment being payable on or before 10.4.2020 and the last instalment on or before 10.7.2020. In the event the respondent defaults in paying the instalments on or before the dates fixed above, he shall pay interest @ 9% p.a. for the period of default.

7. In view of the settlement arrived at as recorded above, counsel for the appellant states that the appellant shall withdraw all the litigations filed by her and her father against the respondent and his family members, on receiving 50% of the entire amount, as agreed upon within one month

reckoned therefrom. Similarly, the respondent shall withdraw all the cases that he may have filed against the appellant and/or the daughter. Further, parties agree that they will cooperate with each other in compounding of an offence for which the respondent has been convicted under Section 323 of the IPC, by moving an appropriate application within the same timeline.

8. The parties shall remain bound by the terms and condition of the settlement recorded hereinabove. In the event, the appellant reneges from the present settlement, then the respondent shall be entitled to seek restitution of all the amounts paid to her. Besides the above, the respondent shall also be entitled to initiate contempt proceedings against her.

9. The present appeal is disposed of in terms of the settlement recorded above.

HIMA KOHLI, J

ASHA MENON, J

FEBRUARY 11, 2020

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