

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

I.A.Nos.1 & 2 of 2021 In/And F.C.A.No.72 of 2019

COMMON JUDGMENT: (Per the Hon'ble the Chief Justice Hima Kohli)

1. I.A.No.1 of 2021 has been moved by the appellant/husband and I.A.No.2 of 2021 has been moved by the respondent/wife stating *inter alia* that during the pendency of the present appeal, they have arrived at an out of court settlement, whereunder, the appellant/husband has agreed to pay a sum of Rs.60 lakhs to the respondent/wife in full and final settlement of all her claims against him. The minor son of the parties shall remain in the care and custody of the respondent/wife.
2. Learned counsel for the parties confirm that Memorandum of Understanding (MOU) dated 24.06.2021 has been executed between the parties on their own free will and without any undue influence and they do not have any claim left against each other. The parties state that they are willing for dissolution of marriage by mutual consent.
3. Both the parties present.
4. Learned counsel state that they have no objection to the present applications being allowed and the appeal being disposed of in terms of the settlement.

5. This court has perused the applications and the copy of the MOU dated 24.06.2021, filed along with the applications. The said MOU has been signed by both the parties and their respective counsel. In view of the statement made by learned counsel for the parties that their clients have arrived at the aforesaid settlement of their own free will and without any undue influence or coercion from any quarter, the said MOU is taken on record. The parties shall remain bound by the terms and conditions thereof.

6. Learned counsel for the parties jointly state on instructions that they shall take immediate steps to move an application for divorce by mutual consent before the concerned Family Court along with a request for waiving of the cooling off period in view of the fact that they have been residing separately ever since the year 2011.

7. I.A.Nos.1 and 2 of 2021 and the present appeal are disposed of in terms of the settlement arrived at between the parties along with the pending applications, if any, while granting liberty to the parties to approach the learned Family Court by moving an application for seeking divorce by mutual consent at the earliest.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

05.08.2021
ES/PLN