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

% Judgment delivered on: 10.01.2023

+ MAT.APP.(F.C.) 194/2022

NEETU REU

..... Appellant

versus

PUNEET REU

.....Respondent

Advocates who appeared in this case:

For the Appellant: Mr. J.C. Mahindro and Mr. Shubham Agarwal,
Advocates along with appellant in person.

For the Respondent: Mr. Tarun Sharma and Mr. Abid Ali, Advocates
along with respondent in person.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

**CM No. /2023 (amendment under Order VI Rule 17) [to
be numbered]**

1. In terms of the settlement recorded herein after, an application under Order VI Rule 17 Code of Civil Procedure has been handed over in court by the appellant which also encloses the proposed Amended Petition under Section 13B(1) of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act), being the first motion petition for dissolution of the marriage by mutual consent. The proposed petition is signed by both the parties. The application is taken on

record.

2. Registry is directed to register and number the application.
3. In view of the settlement between the parties and with their consent, the Amendment to the Divorce Petition is allowed on the records of the Family Court. The Divorce Petition filed by the Appellant before the Family court is converted into a petition under section 13B of the Act. Copy of the proposed amended petition that has been enclosed with the application is permitted to be filed in original before the Family Court duly signed and supported by the respective affidavits of the parties.
4. The application is allowed, in the above terms.

CM NO. /2023 (for waiver of the statutory period) [to be numbered]

1. This is an application filed on behalf of the appellant seeking waiver of the statutory period of six months prescribed under section 13B (2) of the Act.
2. Registry is directed to register and number the application.
3. The Parties who are present in person pray that keeping in view the fact that they have been living separately since 2010 and the subject divorce petition was filed in the year 2016, the statutory period of six months be waived.
4. Keeping in view the protracted litigation and the suffering that

the parties have already undergone, this application is disposed of with a direction to the Family Court to grant waiver of the statutory period of six months for moving the second motion petition under Section 13B (2) of the Act.

MAT.APP.(F.C.)194/2022

1. Petitioner impugns judgment and decree dated 04.06.2022 whereby the Family court has dismissed the petition filed by the appellant seeking divorce on the ground of cruelty and desertion. The Family Court vide the impugned order dated 04.06.2022 has dismissed the petition holding that the allegations have not been proved.

2. Parties are present in person and after detailed discussion and deliberations parties have settled their disputes and amicably resolved to end the entire protracted litigation between them.

3. Parties have resolved to put an end to their disputes in the following terms:

- (i) *Parties agree that the impugned order dated 04.06.2022 be set aside and the petition for divorce be restored on the records of the Family court; and*
- (ii) *Appellant-petitioner shall amend the Petition seeking divorce on the ground of cruelty and desertion and into a petition under section 13B of the Act for grant of divorce by mutual consent; and*
- (iii) *Respondent consent to the grant of divorce by mutual consent under section 13B of the Act; and*
- (iv) *Appellant shall file an application seeking waiver of the statutory period of six months prescribed under section*

13B(2) of the Act.

- (v) *Both parties undertake that they shall duly give their statement before the family court for dissolving their marriage by mutual consent; and*
- (vi) *Both parties undertake that they shall jointly file the second motion petition under section 13B(2) of the Act for grant of divorce by mutual consent.*
- (vii) *Appellant waives her rights for maintenance and permanent alimony and undertakes that she shall not make any claim towards past, present or future maintenance or alimony.*
- (viii) *Parties undertake that they shall not hereafter initiate any coercive proceedings against each other.*
- (ix) *The two daughters Ms. Aakansha Reu (born on 22.10.2000) and Ms. Ananya Reu born on (28.11.2003) shall be in the custody and care of appellant Ms. Neetu Reu.*
- (x) *It is agreed for all purposes that Ms. Neetu Reu shall be deemed to be the lawful guardian of the two daughters.*
- (xi) *Appellant on the grant of divorce by mutual consent, shall be changing her name from Neetu Reu to Neetu Ahluwalia, for which, respondent submits that he has no objection.*

4. Parties undertake that they shall abide by the terms of the settlement recorded hereinabove and agree to dissolve their marriage by mutual consent.

5. In view of the settlement between the parties and with their consent, the impugned order dated 04.06.2022 is set aside. The Divorce Petition is restored to its original number and shall be listed

before the concerned family court on 12.01.2023.

6. Amendment to the Divorce Petition is allowed on the records of the Family Court. The Divorce Petition filed by the Appellant before the Family court is converted into a petition under section 13B of the Act. Copy of the proposed amended petition that has been enclosed with the application is directed to be filed, in original, before the Family Court duly signed and supported by the respective affidavits of the parties.

7. The Family Court is directed to grant waiver of the statutory period of six months for moving the second motion petition under Section 13B (2) of the Act to the parties.

8. The appeal is accordingly disposed of, in the above terms.

9. Parties shall be personally present before the Family Court on 12.01.2023 for recording of their respective statements under section 13 B of the Act.

10. We are appreciative of the grace shown by the parties in resolving their disputes.

11. Copy of the Order, the applications and the Amended Petition be supplied to the parties *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J.

JANUARY 10, 2023/dss

VIKAS MAHAJAN, J.