

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-881 of 2020(O&M)

Date of Decision:10.01.2023

Santosh

.....Appellant

Versus

Narender Singh

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. P.K.Ganga, Advocate
For the appellant.

Mr. Rakesh Nehra, Sr. Advocate
with Mr. Naresh Kashik, Advocate
for the respondent.

LISA GILL, J(Oral).

This appeal has been filed by the appellant-wife, challenging order dated 06.01.2020, passed by the learned Family Court, Rohtak, on a petition filed by respondent-husband under Section-11 of the Hindu Marriage Act (for short 'the Act'). Learned Family Court, vide impugned decision dated 06.01.2020, allowed the petition under Section 11 of the Act, filed by the respondent-husband and marriage between the parties was declared a nullity on the ground that first marriage of the wife with another person was subsisting at the time of solemnization of marriage with the present respondent-husband. Decree was passed accordingly. Aggrieved therefrom, this appeal was filed by the wife.

It is informed that during pendency of this appeal, matter has been amicably resolved between the parties. Appellant has agreed to accept a sum of Rs. 18,20,000/- by way of permanent alimony, full and final settlement of all her claims *qua* the respondent. This settlement was arrived at before the Mediation and Conciliation Centre of this Court on 04.11.2022 and is so reflected in order dated 06.12.2022 passed in this appeal.

It is submitted by learned counsel for the parties that though, it was agreed that petition under Section 13-B of the Act would be filed between the parties and amount of Rs. 18,20,000/- would be paid in two installments, the respondent had stated that the entire amount would be paid in the month of January 2023 itself. This is so recorded in order dated 06.12.2022. Accordingly, the matter was adjourned for today.

The appellant, it is stated has agreed to withdraw this appeal on receipt of the said amount and in respect to the other proceedings pending between the parties, they would be bound by the terms and conditions of settlement dated 04.11.2022. The relevant portion thereof reads as under:-

“Clause 4. xxxxxxxx

(c) The following cases are pending between the parties and shall be withdrawn/quashed in the manner mentioned hereinafter:-

- (i) Section 127 of the Cr.P.C., for modifying the order of maintenance filed by the Second party before the Family Court, Rohini at New Delhi.
- (ii) Custody of children under the Guardians and Wards Act have been filed before the Family Court, Rohini at New Delhi filed by the second party.
- (iii) Two executions u/s 125 Cr.P.C., filed by the first party pending before the Family Court, Rohini, New Delhi.

- (iv) Petition under Section 12 of the Domestic Violence Act filed by the first party before the Mahila Court, Rohini at New Delhi.
- (v) First party-wife has filed the present FAO No. 881 of 2022 before the Hon'ble High Court.
- (vi) That no other litigation is pending between the parties arising out of the matrimony of the parties. In case any litigation/complaint/application etc., pending between the parties or their family members has inadvertently skipped their notice, the same shall be withdrawn by the party who has filed it.
- (vii) It is not worthy to mention here that first party will be paid maintenance upto 6th December, 2022 i.e., on the next date of hearing before the Hon'ble High Court.
- (vii) Both the parties further agree that the custody of both the children shall remain with the first party i.e., the mother.
- (viii) Both the parties have further agreed that if the first party resiles from any of the terms of the present settlement, the amount so paid by the second party shall be returned."

Settlement agreement dated 04.11.2022, which is attached with this file is taken on record as Mark A.

Today, parties duly identified by their counsel are present in Court. Demand draft bearing no. 575514 dated 06.01.2023, amounting to Rs. 18,20,000/-, drawn on State Bank of India, Bawana (Delhi), in favour of the appellant has been produced by the respondent. Demand draft of Rs. 18,20,000/- has been handed over to the appellant. Photocopy thereof is taken on record subject to just exceptions.

Appellant accompanied by her real brother namely Mr. Rajesh Kumar, Assistant Commandant in CRPF, son of Sh. Ranvir Singh, present in Court, states that settlement with the respondent has been arrived at out of her own free will and volition, without any kind of pressure, coercion or

undue influence. Appellant further states that she does not raise any further claim qua any maintenance which is being drawn from the salary of the respondent any longer and has no objection in case release of the same to her by the department concerned is stopped. Appellant states that in view of the settlement, she seeks to withdraw this appeal.

Respondent, present in Court apart from affirming the settlement between the parties, affirms that custody of the children shall remain with the appellant-mother and he would not seek any claim thereto. Statements of the parties have been recorded separately.

Keeping in view the facts and circumstances as above, especially the settlement arrived at between the parties and as sought by the appellant, this appeal is dismissed as withdrawn.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

January 10, 2023.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.