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

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Judgment delivered on: 19.01.2023

+ MAT.APP.(F.C.) 14/2022 & CM APPL. 7349/2022, CM APPL. 7350/2022 and CM APPL. 26563/2022, CM APPL. 427/2023, CM APPL. 2476/2023

SERVPAL SINGH

..... Appellant

versus

MANPREET KAUR

.....Respondent

Advocates who appeared in this case:

For the Appellant: Mr. Baldev Raj and Ms. Shikha Tyagi, Advocates.

For the Respondent: Respondent in person.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 426/2023 (seeking permission to place the MoU executed between the parties) & CM APPL. 2475/2023 (fresh by appellant for amendment)

1. Appellant has impugned the order dated 20.12.2021, whereby the petition filed by the appellant for dissolution of marriage under Section 13(1)(ia) (ib) of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act) has been dismissed.

2. Parties have settled their disputes and entered into the Memorandum of Understanding (MoU) dated 09.11.2022. Parties who are present in person confirm that they have settled their disputes and

have executed the MoU.

3. Parties have agreed to dissolve their marriage by way of mutual consent. Appellant/husband has agreed to pay a total sum of Rs. 3,50,000/- along with return of certain articles to the respondent in full and final settlement of all her, past, present and future, claim towards maintenance and permanent alimony. Certain articles are also agreed to be returned. A receipt of return of articles is annexed with the application.

4. Respondent who is personally present admits and acknowledges that the articles mentioned in the MoU have already been received by her.

5. Appellant undertakes that at the time of grant of divorce he shall pay the sum of Rs.3,00,000/- to the Respondent and the balance amount of Rs. 50,000/- shall be paid on the quashing of the FIR No. 613/2022 under Section 498A/406/34 of IPC, Police Station Keshavpuram.

6. The respondent who appearing in person undertakes that she shall give her no objection for the purposes of quashing of said FIR.

7. Parties also undertake that they shall abide by the terms and conditions of the MoU.

8. We have perused the terms of the settlement and find the same to be lawful. We also accept the under taking given by the parties.

9. In view of the settlement between the parties, the impugned order dated 20.12.2021, dismissing the divorce petition, is set aside, the petition is restored to its original number on the records of the Family Court. The Divorce Petition shall be listed before the Family Court on 28.01.2023.

10. The prayer for amendment of the petition to convert the same into a first motion petition under Section 13B(1) of the Act is also allowed. The divorce petition filed by the appellant is converted into a petition under Section 13B of the Act.

11. The amended petition, duly signed and supported by the respective affidavits of the parties, is directed to be filed before the Family Court.

12. Parties who are present in person pray that in view of the prolonged litigation suffered by them the proceedings be expedited and the statutory period under Section 13B(2) of the Hindu Marriage Act be waived.

13. On an application being filed, seeking waiver of the statutory period of six months, the Family Court shall take into account the fact that the parties have separated in 2004 and have been litigating since 2011 and grant waiver of the statutory period of six months as prescribed under Section 13(B)(2) of the Act.

14. Parties shall be personally present before the Family Court on 28.01.2023 for recording of the respective statements under Section

13B of the Act.

15. The appeal is disposed of, in the above terms.

16. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J.

VIKAS MAHAJAN, J.

JANUARY 19, 2023/dss

