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

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Judgment delivered on: 21.03.2023

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MAT.APP.(F.C.) 27/2019

ARUNEEMA DEVNATH

..... APPELLANT

versus

VIJAY KUMAR DEVNATH

..... RESPONDENT

Advocates who appeared in this case:

For the Appellant: Ms. Akriti Tyagi, Advocate with appellant in person.

For the Respondent: Ms. Anuradha Dixit, Mr. Manish Kumar and Mr. Pravesh Kumar, Advocates with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The Court had prolong interaction with the parties, after interaction, parties have settled their disputes.
2. It is agreed that parties shall apply for grant of divorce by mutual consent. Respondent undertakes to pay a sum of Rs.75 lakhs in full and final settlement of all the claims of the appellant towards past, present and future alimony.

3. It is agreed between the parties that amount of Rs.75 lakhs shall be divided equally between the appellant and the two daughters i.e., Vidhisha and Archana i.e., Rs.25 lakhs each.

4. It is agreed that the petition filed by the respondent under Section 13(1) of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act) bearing HMA No. 243/2019, titled *Vijay Kumar Devnath Vs. Aruneema Devnath* be converted into a petition for grant of divorce by mutual consent. Leave is granted.

5. In view of the above, the oral prayer of the parties is allowed, the petition filed under Section 13 (1) of the Act by the respondent/husband is allowed to be amended and the petition filed by the respondent/husband under Section 13 (1) of the Act being HMA No.243/2019, titled *Vijay Kumar Devnath Vs. Aruneema Devnath*, is converted into a petition under Section 13B (1) of the Act on the records of the Family Court.

6. The amended petition duly signed and supported by respective affidavits of the parties is directed to be filed before the Family Court on 15.04.2023, when the matter is already stated to be listed before the Family Court.

7. Parties shall be personally present before the Family Court for recording of their respective statements under Section 13B (1) of the Act on 15.04.2023. It is also directed that the parties shall move the petition under Section 13B (2) within the outer limit of three months

from today as undertaken.

8. 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 2015 and have been litigating since March, 2015 and grant waiver of the statutory period of six month as prescribed under Section 13 (B) (2).

9. The respondent undertakes to pay an amount of Rs.25 lakhs (Rs.15 lakhs to the appellant and Rs.5 lakhs each to the two daughters) at the time of recording of the statement of the first motion.

10. Respondent further undertakes to pay the balance amount of Rs. 50 lakhs (Rs. 10 lakhs to the appellant and Rs. 20 lakhs each to the daughters) at the time of recording of the statement on the second motion for grant of divorce by way of mutual consent.

11. Appellant further undertakes that on payment of the said amount, all her claims towards past, present and future alimony shall be fully and finally settled and on grant of divorce by mutual consent she shall withdraw her petition i.e., HMA No.917/2016, titled *Aruneema Devnath Vs. Vijay Kumar Devnath* listed before Family Court on 12.07.2023.

12. Undertakings are accepted.

13. Appeal is disposed of in the above terms and the impugned order dated 03.12.2018 shall stand merged in this order.

14. Order *dasti* under signature of the Court Master.

SANJEEV SACHDEVA, J

MARCH 21, 2023
NA

VIKAS MAHAJAN, J



नित्यमेव जयते