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

% *Date of decision: 15th September, 2023*

+ **MAT.APP.(F.C.) 133/2023, CM APPL. 24019/2023**

ANJALI SHARMA Appellant

Through: Ms. Megha Batra, Advocate along
with appellant in person.

versus

NIKHIL SHARMA Respondent

Through: Mr. Rajat Srivastav, Advocate along
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present appeal under Section 28 of the Hindu Marriage Act read with Section 19 of the Family Courts Act, 1984 has been filed by the appellant seeking the setting aside of Order dated 15.02.2023 passed by learned Judge, Family Court, Tis Hazari Court, (Central District), New Delhi in HMA No.599/2017, whereby the petition filed by the respondent/ husband for Dissolution of Marriage under Section 13(1)(ia) of HMA has been allowed and the marriage between the parties has been dissolved.
2. The parties are present in person with their respective counsel. We have interacted with the parties and the parties have mutually agreed to settle *inter se* disputes. The respondent/husband has requested for three months time to fulfill his obligations in the settlement on following terms and conditions:-

- (i) That the respondent-husband shall pay an amount of Rs.10 lakhs



to appellant-wife towards full and final settlement of all the claims, including *stridhan*, maintenance, alimony, etc.

- (ii) That the respondent/husband shall return the Maruti ALTO K10 Car along with the dowry articles admitted before the CAW Cell to the appellant/wife on the next date of hearing of Complaint Case No.1068/2023 filed under the provisions of Domestic Violence Act, 2005 pending before learned CMM, Tis Hazari Courts.
- (iii) That the appellant shall thereafter withdraw the Complaint Case No.1068/2023 filed under the provisions of Domestic Violence Act, 2005 pending before learned CMM, Tis Hazari Courts within 4 weeks of receiving the articles admitted before the CAW Cell and the respondent/ husband shall pay an amount of Rs.5 lakhs at the time of withdrawal of the said Complaint.
- (iv) That the parties shall thereafter jointly move an application for the quashing of FIR No.83/2019, under Sections 498-A/406/34 IPC, registered at Police Station Gandhi Nagar, Delhi within 6 weeks of withdrawal of the Complaint Case No.1068/2023. The balance amount of Rs.6 lakhs shall be paid by the respondent/husband to the appellant-wife at the time of quashing of FIR.
- (v) That if after receiving payment of any amount, appellant-wife does not come forward to proceed for remaining part of the settlement within the time stipulated, she shall be liable to return the said amount with interest @ 12% p.a. to appellant-husband.
- (vi) If after payment of any amount, respondent-husband does not come forward for remaining part of the settlement within the given time, the amount paid by respondent to appellant shall stand forfeited and the respondent shall have no right to claim the said amount.



3. Both the parties have mutually agreed and undertaken that they shall remain bound by the settlement reached before this Court today and shall withdraw/get quashed all the pending litigations against each other or their family members arising out of this marriage and the erring party shall be liable to be prosecuted under the provisions of Contempt of Courts Act, 1971.
4. The aforesaid undertaking furnished on behalf of both the sides is taken on record.
5. In the light of above, appellant submits that the present appeal be disposed of, however seeks liberty to get it revived, if need be.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

SEPTEMBER 15, 2023
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