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

% ***Date of decision: 13th September, 2023***

+ **MAT.APP.(F.C.) 200/2023 & CM.APPL.35043-44/2023**

LALIT KUMAR Appellant

Through: **Mr. Yomesh Dutt Sharma, Advocate**
with appellant in person

versus

SUNITA Respondent

Through: **Mr. Vaibhav Sinha, Advocate** 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 19 of the Family Courts Act, 1984 has been filed by the appellant against the impugned order dated 01.04.2023 passed by learned Family Court in HMA No.2196/2019, whereby the appellant has been directed to pay monthly maintenance of Rs.15,000/- to the respondent-wife.

2. The parties are present in person who have been identified by their respective counsel. Parties jointly submit that they have amicably resolved their disputes and voluntarily entered into a Memorandum of Understanding (MoU) dated 11.09.2023 which bears their signatures. A copy of the same as well as copy of Aadhar Card of parties, which have been produced before this Court are taken on record.



3. We have interacted with the parties and they have mutually agreed to settle *inter se* disputes before the Court on the following terms and conditions:-

- (i) The parties have agreed to file a joint petition under Section 13-B of the Hindu Marriage Act, 1955 to seek divorce by mutual consent within four weeks.
- (ii) That the Appellant-husband shall pay an amount of Rs.8 lakhs to respondent-wife towards full and final settlement of all the claims, including *stridhan*, maintenance, alimony, etc.
- (iii) That an amount of Rs.50,000/- has already been paid by the appellant-husband to respondent-wife and the same has been admitted by respondent-wife before the Court today.
- (iv) That the amount of Rs.3.5 lakhs shall be paid by the appellant-husband at the time of filing of First Motion under Section 13B(I) of the Hindu Marriage Act, 1955 before the learned Family Court which shall be filed within four weeks.
- (v) The appellant-husband shall withdraw the divorce petition No.2196/2019 filed by him before Family Court, Tis Hazari Court, Delhi at the time of recording of statements in the First Motion.
- (vi) That the respondent-wife shall withdraw Complaint No.812/2019 filed under the provisions of Domestic Violence Act, 2005 pending before learned MM, Tis Hazari Court (West), New Delhi within four weeks of receiving Rs.3.5 lacs at the time of First Motion.
- (vii) That the parties shall thereafter file joint petition under Section 13B(II) of the Hindu Marriage Act, 1955 within one week of withdrawal of aforementioned cases and the balance amount of Rs.4 lakhs shall be paid at the time of passing of Second Motion



by the Family Court.

- (viii) That if after receiving payment of any amount, respondent-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.
- (ix) If after payment of any amount, appellant-husband does not come forward for remaining part of the settlement within the given time, the amount paid by appellant to respondent shall stand forfeited and the appellant shall have no right to claim the said amount.

4. Both the parties have mutually agreed and undertaken that they shall remain bound by the terms and conditions mentioned above. They shall withdraw all the pending litigations against each other arising out of this marriage and the erring party shall be liable to be prosecuted under the provisions of Contempt of Courts Act, 1971.

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.

6. The present appeal and pending application, if any, are accordingly disposed of, with liberty as prayed for.

(SURESH KUMAR KAIT)

JUDGE

(NEENA BANSAL KRISHNA)

JUDGE

SEPTEMBER 13, 2023/rk