

Neutral Citation Number : 2023/DHC/000536

\$~184 & 185

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

% Judgment delivered on: 23.01.2023

+ **MAT. APP. (F.C.) 120/2020 & CM. APPLS. 25872/2020. 316/2021**

SARTHAK SACHDEVA ..... Appellant

Versus

KARISHMA CHADHA ...Respondent

+ **MAT. APP. (F.C.) 148/2020 & CM. APPL. 19924/2021**

KARISHMA CHADHA ..... Appellant

Versus

SARTHAK SACHDEVA ...Respondent

**Advocates who appeared in this case:**

For the Appellant: Mr. Rajat Aneja, Advocate with appellant in person.  
For the Respondent: Mr. Prabhjit Jauhar, Advocate with respondent in person.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**JUDGMENT**

**SANJEEV SACHDEVA, J (ORAL)**

1. These cross appeals both impugn order dated 25.08.2020, whereby the application under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act') was disposed of by the Family Court.

2. This Court had prolonged interaction with the parties and their parents in chamber and after interaction, parties have been able to amicably resolve all their disputes.

3. Both parties have agreed to dissolve their marriage by way of mutual consent and a joint affidavit dated 23.01.2023 duly signed by the parties has been handed over in the Court. The same is taken on record.

4. Parties, who are present in Court, confirm that they have settled their disputes. It is prayed that the petition filed under Section 13 (1) of the Act filed by the respondent/husband be permitted to be amended to convert the same into a joint petition under Section 13B of First Motion.

5. Respondent/husband has undertaken to pay a sum of Rs.60 lakhs to respondent/wife in full and final settlement of all her past, present and future claims towards permanent and interim maintenance, permanent and interim alimony, *stridhan*, jewellery, gifts, other articles etc. and all her claims. It is undertaken by the respondent/husband that out of the said amount of Rs.60 lakhs, a sum of Rs.50 lakhs shall be paid to the appellant/wife at the time of recording of the joint statement of the parties of the Second Motion under Section 13B (2). Further sum of Rs.10 lakhs has been undertaken to be paid within one year from today. A post dated cheque dated 23.01.2024 shall be handed over by the respondent/husband to the appellant/wife also at the time of recording of the statement for the Second Motion.

Respondent/husband, who is present in Court, undertakes that the cheque shall be honoured on its presentation.

6. It is also undertaken by the respondent/husband as well his parents, who are present in Court, that the suit for damages and the criminal complaint filed by Mr. Kartik Sachdeva, the brother of the respondent/husband shall also be unconditionally withdrawn. Mr. Jauhar, learned counsel submits that he is also the counsel for Mr. Kartik Sachdeva and has already taken instructions that the said proceedings shall also be withdrawn in view of the settlement. He further submits that he has instructions that appropriate applications/petitions for withdrawal of the proceedings by Mr. Kartik Sachdeva shall be filed within 7 days from today.

7. Appellant/wife further undertakes that she shall cooperate in quashing of the FIR No.378/2020 under Sections 498A/34, 354 and 506 IPC, police station-Patel Nagar, which shall be filed within 7 days of the grant of decree of divorce by the Family Court by mutual consent. She also undertakes that on payment of the said amount of Rs.60 lakhs as aforesaid, all her claims shall be fully and finally settled.

8. Parties further undertake that they shall be moving a joint petition for divorce within the outer limit of 30 days from today.

9. The respective undertakings of the parties are accepted. Parties are bound down to the statements given to the Court.

10. In view of the above settlement, 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.2066/2019, titled *Sarthak Vs. Karishma Chadha*, is converted into a petition under Section 13B (1) of the Act on the records of the Family Court.

11. The amended petition duly signed and supported by respective affidavit of parties is directed to be filed before the Family Court on 28.01.2023, when the matter is already stated to be listed before the Family Court.

12. Parties shall be personally present before the Family Court on 28.01.2023 for recording of their respective statements under Section 13B (1) of the Act. It is also directed that the parties shall move the petition under Section 13B (2) within with the outer limit of 30 days from today as undertaken.

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 2018 and have been litigating since September, 2019 and grant waiver of the statutory period of six month as prescribed under Section 13 (B) (2).

14. Appeals are disposed of in the above terms and the impugned order dated 25.03.2020 shall stand merged in this order.

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

**SANJEEV SACHDEVA, J.**

**VIKAS MAHAJAN, J.**

**JANUARY 23, 2023**

**NA**

