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

% Judgment delivered on: 29th May, 2023

MAT.APP.(F.C.) 111/2022

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RAHUL JAIN

..... Appellant

versus

SAKSHI JAIN

..... Respondent

Advocates who appeared in this case:

For the Appellant: Appellant in person.

For the Respondent: Mr. Irfan Ahmad with Mr. Anurag Chauhan, Advocates
with respondent in person.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant impugns order dated 06.06.2022 passed by the Family Court concerning the interim visitation of the child of the parties.
2. Parties were referred to mediation for settling their disputes before the Delhi High Court Mediation and Conciliation Centre and settlement agreement dated 16.05.2023 has been executed.
3. Parties are present in person. They undertake that they have settled the disputes and they also undertake to perform the respective



obligations contained in the settlement agreement.

4. We have perused the terms of settlement and find the same to be lawful. Parties have also agreed to take divorce by mutual consent and the arrangement *inter alia* provides for permanent alimony of the respondent and her child as also the visitation rights of the appellant for the child.

5. The undertaking given by the parties, pursuant to said settlement is accordingly accepted. Parties are bound down to their undertaking.

6. The parties further agreed that in case more meetings are required with the child counsellor to make the child more amenable to meeting the appellant, the child counsellor may be directed to conduct the same.

7. In view of the above, the child counsellor is requested to have as many meetings as will be required for turning the child around so that the child is amenable to meeting the appellant and the parties can thereafter adhere to the arrangement in regard to visitation. These be conducted while ensuring that the academic schedule of the child is not disturbed.

8. On an application being filed seeking waiver of statutory period under Section 13B(2) of the Hindu Marriage Act, 1955, the Family Court shall take into account the fact that parties have been living separately and have been litigating since 12.03.2015 and shall consider appropriately grant of waiver of the statutory period in



accordance with law.

9. The appeal is accordingly disposed of in the above terms. The impugned order dated 06.06.2022 shall merge with the term of settlement.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

MAY 29, 2023/swati



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