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

% *Date of decision: 06th October, 2023*

+ **MAT.APP.(F.C.) 176/2019**

KANDULA SUBRAMANIAM Appellant
Through: Mr. Jitesh Talwani, Advocate along
with appellant in person.

versus

KRISHNAKOLI DATTA Respondent
Through: Mr. Saurabh Balwani, Mr. Pranav
Rishi and Mr. Chirag Rathor,
Advocates along with respondent in
person.

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+ **MAT.APP.(F.C.) 70/2020 & CM APPL. 8363/2020**

KRISHNAKOLI DUTTA Appellant
Through: Mr. Saurabh Balwani, Mr. Pranav
Rishi and Mr. Chirag Rathor,
Advocates along with appellant in
person.

versus

KANDULA SUBRAMANIAM Respondent
Through: Mr. Jitesh Talwani, Advocate along
with appellant 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 appeal bearing MAT.APP. (F.C.) No. 176/2019 under Section



19(1) of the Family Courts Act, 1984 has been filed by the appellant/husband/Mr. Kandula Subramaniam seeking the setting aside/modification of Order dated 29.04.2019 passed by learned Judge, Family Court, East Delhi, Karkardooma, Delhi in HMA No.87/2017, whereby two applications dated 31.08.2017 and 03.02.2015, seeking maintenance from his wife, have been dismissed.

2. The appeal bearing MAT.APP. (F.C.) No. 70/2020 under Section 19(1) of the Family Courts Act, 1984 read with Section 28 and 26 of the Hindu Marriage Act, 1955 (*hereinafter referred to as 'Act, 1955'*) has been filed by the appellant/wife/Ms. Krishnakohli Datta seeking the setting aside of the Order dated 22.10.2019 passed by learned Judge, Family Court, East Delhi, Karkardooma, Delhi in HMA No.87/2017, whereby her application under Section 26 of HMA, for enhancement of maintenance for the child, has been dismissed.

3. The parties are present in person with their respective counsels. We have interacted with the parties for a substantial time and the parties have mutually and voluntarily agreed to settle *inter se* disputes on the following terms and conditions:-

i) That the parties shall dissolve their marriage by filing a joint petition under Section 13-B(I) of the Act, 1955 by mutual consent (First Motion), within one week from the date of this Order;

ii) That the wife/ Ms. Krishnakohli Datta, shall withdraw the Divorce Petition bearing HMA No. 87/2017 filed by her under section 13(1)(ia) of the Act, 1955 before learned Judge, Family Court, East Delhi, Karkardooma, at the time of recording of the



statements in the First Motion;

- iii) That the parties shall file a joint petition under Section 13B (II) of the Act, 1955 (Second Motion), within two weeks of acceptance of First Motion, along with an application for waiver of the requisite statutory period of six months;*
- iv) That if any other case/petition/complaint etc. between the parties is pending before any Court or Authority, the same shall be withdrawn/got disposed of by the respective party, within one week after dissolution of the marriage of the parties by mutual consent;*
- v) That the wife/Ms. Krishnakohli Datta shall have the custody of the child, Master Siraj, and the husband/ Mr. Kandula Subramaniam shall have the right to communicate with the child through telephone/mobile/electronic media, as per the convenience and consent of the child;*
- vi) That the parties shall not claim any amount by way of maintenance from each other;*
- vii) That the wife/ Ms. Krishnakohli Datta shall take care of all the educational and other financial needs of the child, Master Siraj, exclusively and not seek any financial support from the husband;*
- viii) That all the disputes inter se the parties arising from their marriage stand settled and they shall not file any civil or criminal proceedings against each other; and*
- ix) That the parties, however, shall be at liberty to claim/ initiate appropriate proceedings in respect of their property rights, before the appropriate Court or Authority in accordance with Law.*



4. The aforesaid undertaking furnished on behalf of both the sides is taken on record.
5. In view of the above, both the appeals, MAT.APP. (F.C.) 176/2019 and MAT.APP.(F.C.) 70/2020, are disposed of with the directions that they shall remain bound by the terms of settlement and the erring party shall be liable for contempt of Court.
6. In the light of above settlement *inter se* the parties, the present appeals, along with the pending applications, if any, are disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 06, 2023
Va/JN