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

% ***Date of decision: 22.09.2023***

+ MAT.APP.(F.C.) 196/2019

SANTOSH

..... Appellant

Through: Ms.Samridhi, Adv.

versus

RAJENDER

..... Respondent

Through: Mr.Sunil Kumar Gautam, Adv. 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 present appeal under Section 19 of the Family Courts Act, 1984 has been filed by the appellant seeking the setting aside of Judgment and decree dated 23.03.2019 passed by learned Family Court, New Delhi in HMA No.62128/2016, whereby the petition seeking decree of divorce under Section 13(1) (ia) & (ib) of the Hindu Marriage Act, 1955 on the ground of cruelty as well as desertion, has been dismissed.

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

(i) *The respondent shall prepare a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by mutual*



consent and after getting the same signed from the appellant, will file it before the appropriate court within two weeks.

(ii) *The parties shall withdraw all the pending cases filed against each other, if any, within a week of passing of first motion.*

(iii) *Within 15 days of passing of first motion by the learned Family Court, the respondent shall file joint petition for second motion, after obtaining signatures of the appellant before the learned Family Court.*

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.

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 22, 2023/ab