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

% ***Date of decision: 4th September, 2023***

+ MAT.APP.(F.C.) 248/2023, CM APPL. 43958/2023, 43959/2023 &
43960/2023

ARUN PRAKASH Appellant

Through: Ms. Preeti Singh, Mr. Sunklan
Porwal, Ms. Saumya Dwivedi and
Ms. Simranjeet Kaur, Advocates.

Versus

MANSI SHARMA Respondent

Through: Mr. Sunil Mittal, Senior Advocate
with Ms. Abha Sharma, Ms. Seema
Seth, Mr. Satish Panchal and Ms.
Muskaan Deswal, Advocates.

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(1) of the Family Courts Act, 1984 has been filed by the appellant seeking the setting aside of Order dated 16.01.2023 passed by learned Judge, Family Court, Tis Hazari Court, (Central District), New Delhi in HMA No.116/2020, whereby the appellant has been directed to pay monthly maintenance of Rs.40,000/- to the respondent-wife.

2. The parties are present in person with their respective counsel. We have interacted with the parties in the chamber for a substantial time and the parties have mutually agreed to settle *inter se* disputes on 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.25 lakhs to respondent-wife towards full and final settlement of all the claims, including *stridhan*, maintenance, alimony, etc.
- (iii) That the amount of Rs.10 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.
- (iv) The appellant-husband shall also withdraw the divorce petition No.116/2020 filed by him before Tis Hazari Court, Central District, Delhi at the time of recording of statements in the First Motion.
- (v) That the respondent-wife shall withdraw the following cases within four weeks of receiving Rs.10 lacs at the time of First Motion.
 - a. Complaint No.4858/2020 filed under the provisions of Domestic Violence Act, 2005 pending before learned MM (Mahila Court), Patiala House Courts, Delhi;
 - b. Crl. Case No.12028/2022 pending before learned MM, Tis Hazari Court, Central District, Delhi; and
 - c. Execution Petition No.20/2023 pending before learned Principal Judge, Family Court, Tis Hazari Courts, Delhi.
- (vi) 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.10 lakhs shall be paid at the time of passing of Second Motion by the Family Court.



- (vii) The parties shall thereafter jointly move an application for the quashing of FIR No.117/2021 dated 20.03.2021, under Sections 498-A/406/34 IPC, registered at Police Station Karol Bagh, Central District, Delhi. The appellant/ husband shall pay the balance amount of Rs.5 lakhs to the respondent/wife at the time of quashing of FIR.
- (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.

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 4, 2023/rk