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

% ***Date of decision: 13th September, 2023***

+ **MAT.APP.(F.C.) 174/2022**

RASHI GUPTA Appellant

Through: **Mr. Ravi Gupta, Senior Advocate
with Mr. Rajiv Bajaj and Ms. Shruti
Khosla, Advocates**

versus

UDIT THAPAR Respondent

Through: **Ms. Anu Narula, Mr. Mayank
Mehandra and Ms. Charu Tandon,
Advocate with respondent 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 against the Order dated 14.09.2022 passed by learned Family Court in HMA No.600/2020, whereby the respondent-husband has been directed to pay monthly maintenance of Rs.60,000/- to the appellant-wife.

2. The parties are present in person with their respective counsel. We have interacted with the parties in the chamber for a substantial amount of 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 respondent-husband shall pay an amount of Rs.1.10 crore to appellant-wife towards full and final settlement of all the claims, including *stridhan*, maintenance, alimony, etc.
- (iii) That the amount of Rs.35 lakhs shall be paid by the respondent-husband at the time of filing of first motion under Section 13B(i) of the Hindu Marriage Act, 1955 before the learned Family Court.
- (iv) The appellant-wife shall withdraw CT Case 4568/2020, HMA No.933/2020 & CC 6331/2021, at the time of recording of statements in the First Motion.
- (v) The respondent-husband shall also withdraw CS SCJ 71/2022, CC/1006/2022, HMA No.2839/2023 & CC 972/2022 at the time of recording of statements in the First Motion.
- (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 amount of Rs.35 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.287/2020, registered at



Police Station New Friends Colony and FIR No.497/2022, registered at Police Station Janakpuri. The respondent/husband shall pay the balance amount of Rs.40 lakhs to the appellant/wife at the time of quashing of FIR.

- (viii) That if after receiving payment of any amount, appellant-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, respondent-husband does not come forward for remaining part of the settlement within the given time, the amount paid by respondent to appellant 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. Respondent-husband has informed this Court that a complaint in the form of RTI by making allegations has been filed against him in his



Department, i.e. Air India, by the appellant though the same has been disputed by the appellant-wife.

6. Accordingly, if any such complaint is filed, the concerned authority of the Air India though not a party to the present petition, this Court while exercising power under Article 226 of the Constitution of India directs the concerned authority of Air India whatever complaint is filed regarding the matrimonial dispute or any allegations made against the respondent-husband with regard to present case, the same shall be treated as withdrawn and no action shall be taken with regard to the said complaint.

7. We appreciate the efforts made by learned counsel for parties in resolving the disputes *inter se* the parties.

8. In the light of above, appellant submits that the present appeal be disposed of, however seeks liberty to get it revived, if need be.

9. The present appeal is accordingly disposed of, with liberty as prayed for.

(SURESH KUMAR KAIT)

JUDGE

(NEENA BANSAL KRISHNA)

JUDGE

SEPTEMBER 13, 2023/rk