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

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Date of Decision: 15.03.2024+ **MAT.APP.(F.C.) 65/2023 & CM Appl.10460/2023****SANJU SRIVASTAVA**

..... Appellant

Through: Mr C M Thapliayal with Mr S P Paul,
Mr Ruhul Amin and along with the
appellant-in-persons.

versus

KUMAR UJJAWAL

..... Respondent

Through: Mr Amit Kumar Rohela with Mr Adil
Malik and Mr Narendra Singh, Advs.
along with respondent-in-person.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):**

1. Via the order dated 18.05.2023 passed by a coordinate Bench, parties were referred to Delhi High Court Mediation and Conciliation Centre to attempt a settlement in the matter.
2. Happily, parties have arrived at a settlement. Terms of settlement are recorded in the Settlement Agreement dated 27.02.2024 [SA].
3. As per the terms of the SA arrived at between the parties, we are informed that Rs.2 lakhs have already been paid to the appellant out of the total agreed amount i.e., Rs.4 lakhs.
- 3.1 This position has been affirmed by the appellant, who is present in the



court.

3.2 Insofar as the remaining Rs.2 lakhs is concerned, a demand draft bearing no.024418 dated 12.03.2024 drawn on Bank of Baroda, Shakarpur, Delhi – 110092, has been handed over to the appellant in the court.

4. We are also informed that the other terms and conditions have also been complied with, save and except the aspect concerning divorce.

5. To be noted, this appeal was instituted against the judgment and decree dated 28.11.2022 in the suit filed by the respondent under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 [hereafter referred as 'HMA'].

6. Clause (1) of the terms of the SA gives two alternatives. First, that the appellant would be willing to agree to a decree of divorce being passed, provided that the observations made in the impugned judgment with regard to cruelty said to have been inflicted on the respondent are expunged.

6.1 Second, that the matter is remitted to the Family Court for enabling parties to move the court for grant of divorce on the ground of mutual consent.

7. Before us, counsel for the parties say that it would be in the interest of the parties, having regard to the fact that the parties have substantially complied with the other terms of SA, that this court were to expunge the observations concerning cruelty made in the impugned judgment.

8. We tend to agree with the counsel for the parties.

9. Accordingly, while the impugned judgment granting divorce is sustained, the observations concerning cruelty made *vis-à-vis* the appellant shall stand expunged.

10. We may note that according to us, the terms of settlement contained in the SA are lawful. The SA is accordingly accepted. The SA shall form



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part of the record.

11. Parties undertake to abide by the terms and conditions contained in the SA.
12. The impugned judgment shall stand modified to the extent indicated above.
13. The appeal is disposed of in the aforesaid terms.
14. Pending application shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MARCH 15, 2024
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