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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 427/2023 & CM APPL. 16686/2023, CM APPL. 51609/2023

VIKASH KUMAR MISHRA Petitioner
Through: Mr. Abhinav Garg, Mr. Manwendra
Gautam, Ms. Aadya Antya,
Advocates
versus

GURIYA MISHRA Respondent
Through: Mr. Attin Shankar Rastogi, Amicus
Curiae (M:9811778900)
Mr. Ashutosh Agarwal, Advocate

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
14.05.2024

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1. The present petition has been filed alleging willful disobedience of the Settlement Agreement/undertaking given by the respondent and duly recorded in the orders dated 18th December, 2021 and 22nd February, 2022 passed by the learned Family Court in *HMA No. 171/2022*.
2. By the aforesaid orders, it had been recorded that the minor son shall continue to be in the care and custody of the petitioner-father and that the respondent was granted visitation rights as per the convenience of both the parties. Further, the petitioner was directed to pay a sum of ₹ 3,60,000/- to the respondent.
3. This Court notes that subsequently, parties have entered into a fresh Settlement Agreement dated 22nd February, 2024, before the Delhi High Court Mediation and Conciliation Centre. By way of the Settlement



Agreement dated 22nd February, 2024, the petitioner has undertaken to pay a sum of ₹ 4,50,000/- to the respondent in addition to the amount of ₹ 2,00,000/- that had already been paid to the respondent. It was further agreed between the parties that the parties shall file the Second Motion Petition seeking divorce by mutual consent on or before 15th March, 2024, before the Family Court Dwarka.

4. Mr. Attin Shankar Rastogi, learned Amicus Curiae appearing for the respondent, submits that the Second Motion Petition has since been filed. The aforesaid fact is also confirmed by learned counsel for the petitioner.

5. Accordingly, no further orders are required to be passed in the present petition.

6. However, liberty is granted to the petitioner to revive the present petition, in case of any non-compliance by the respondent, of the terms of the Settlement Agreement dated 22nd February, 2024, executed between the parties.

7. The present petition is disposed of in terms of the aforesaid, along with pending applications.

MINI PUSHKARNA, J

MAY 14, 2024

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