



\$~14.

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

% *Date of Decision: 20.02.2024*

+ **MAT.APP.(F.C.) 120/2023 and CM APPL. 22498/2023 & 22500/2023**

KAMLESH

..... Appellant

Through: Mr. R.S. Pawar, Advocate with
appellant in person.

versus

AKHILESH KUMAR

..... Respondent

Through: Mr. Sanjay Kumar, Advocate 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. We have heard learned counsel for the parties, *albeit*, briefly on the previous date, i.e. 08.02.2024. Certain suggestions were made for settlement of the disputes emanating in the present proceedings.
2. This appeal has been filed against the judgment and decree dated 13.02.2023 passed by the Family Court Judge, West District, Tiz Hazari Court, Delhi, whereby, the respondent's/husband's petition under Section 13(1)(ia) & (ib) of the Hindu Marriage Act, 1955 [in short, "HMA"] has been allowed.



3. The appellant/wife is aggrieved by the observations made in the impugned judgment both with regard to mental cruelty as well as desertion.
4. Counsel for the respondent/husband says that as long as the decree of divorce is not disturbed, the respondent/husband would have no objection if the observations made in the impugned judgment *qua* mental cruelty and desertion are expunged. It is the submission of counsel for the respondent/husband that the respondent/husband wants to move on in his life, hence, would be agreeable to such direction being issued by the Court.
5. Likewise, counsel for the appellant/wife says that if the respondent/husband were to grant permanent alimony of the amount indicated on the previous date, the appellant/wife would not resist the decree of divorce passed by the Family Court.
6. In sum, the parties agreeable to the disposal of the appeal in the following terms:
 - (i) The impugned judgment and decree, whereby the respondent/husband has been granted divorce shall remain undisturbed. The allegations made with regard to mental cruelty and desertion will stand expunged.
 - (ii) The respondent/husband will pay to the appellant Rs. 3 lakhs, *albeit*, in three installments of Rs.1 Lakh each. The first installment will be paid on or before 31.03.2024; the second installment will be paid on or before 30.04.2024; and the third and last installment will be paid on or before 30.05.2024. In case there is failure to pay the said installments, interest at 12% per annum would run on the unpaid amount.
 - (iii) The aforesaid payment of Rs.3 Lakhs will not absolve the respondent/husband from making payments as ordered by the



concerned court in other proceedings, i.e. MC 307/2023 pending before Ms. Aneeta Bishnoi, Ld. MM, Family Court-5, Tis Hazari Courts, Delhi;

(iv) The appellant will assist the respondent in quashing of FIR No.0231/2016 registered under Sections 498A/406/34 IPC at PS-Nand Nagri.

6.1 It is ordered accordingly.

7. The parties will file their affidavits, wherein they will, *inter alia*, aver that they will abide by the terms of the settlement captioned hereinabove. The affidavits be filed within one (1) week from today. Copies of the same shall be exchanged by the parties.

8. The appeal shall stand disposed of, in the aforesaid terms.

9. Pending applications are also closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 20, 2024

B.S. Rohella

Click here to check corrigendum, if any