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

+ **RFA(OS) 16/2023 & CM APPL. 42634/2024**

ILARIA KAPOOR

.....Appellant

Through: Ms Mala Goel and Mr Parvinder, Advs.
versus

RAKESH KAPOOR & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **29.07.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 42223/2024

1. This is an application filed on behalf of appellant under Order XXXII Rule 7 read with Section 151 of the Code of Civil Procedure, 1908 and Section 8 of the Hindu Minority and Guardianship Act, 1956.
2. The application has been preferred by the appellant/minor through her mother. The prayer made in the application reads as follows:-

"It is prayed that permission be granted to the mother / Sapna Kapur of the Minor / Appellant / Ilaria Kapur / Plaintiff / Minor to withdraw the appeal to be disposed of in terms of settlement / Joint Statement recorded 21.3.2024 in HMA no. 89513 of 2016, 'Dr. Rakesh Kapur Vs. Sapna Kapur' before Shri Arun Sukhija, Judge, Family Court no.02, Tis Hazari, Delhi."

3. The mother of the appellant/minor seeks leave to withdraw the appeal based on the settlement dated 21.03.2024 [hereinafter referred to as, "SA"], which forms part of HMA 89513/2016 instituted in the Family Court.

RFA(OS) 16/2023

Page 1 of 2



4. For the reasons given in the application, the prayer made therein is allowed.

CM APPL. 42634/2024

5. The above-captioned application has been moved by the appellant through her next friend i.e., her mother. The prayer made in the application reads as follows:-

“It is prayed that the above application be allowed and above appeal filed by Appellant / Ilaria Kapur Plaintiff/Minor /through her mother be disposed of in terms of settlement/ Joint Statement recorded 21.3.2024 in HMA no.1827 of 2024, 'Dr. Rakesh Kapur Vs. Sapna Kapur' before Shri Arun Sukhija, Judge, Family Court no.02, Tis Hazari, Delhi, filed as Annexure 'A'. The said settlement be made the part of the order disposing of the appeal.”

6. In effect, the appellant seeks withdrawal of the appeal based on the aforementioned SA arrived at between her mother and father. Clause (D) of the SA requires the appellant to withdraw the appeal.

7. Accordingly, the appeal is withdrawn.

8. The next date fixed in the appeal i.e., 31.07.2024 shall stand cancelled.

9. The Registry will ensure that the appellant/minor is referred to as 'XY', while the mother is referred to 'CD' and respondent no.1 i.e., the father is referred to as 'AB' in the orders that are uploaded in the website.

10. The Registry will also carry out scrutiny of the case papers and make the requisite changes.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 29, 2024/ds

[Click here to check corrigendum, if any](#)

RFA(OS) 16/2023

Page 2 of 2