



2024:DHC:7249-DB



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

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Date of decision: 18.09.2024

+ **MAT.APP.(F.C.) 305/2019 & CM 51175/2019, CM 5286/2020, CM 358/2022, CM 362/2022, CM 27848/2022**

MUNISH JAIN

.....Appellant

Through: Mr Sunil Satyarthi, Ms Amita Saxena,
Mr Amitanshu Satyarthi Advocates
with the Appellant/Mr Munish Jain
through VC.

versus

SHIKHA JAIN

.....Respondent

Through: Mr Sidhant Kumar, Mr Yudhisther
Sharma, Mr Om Batra, Mr Rachit
Somani, Ms Yashoda Advocates with
Respondent/Ms Shikha Jain.

+ **MAT.APP.(F.C.) 322/2019 & CM 53050/2019, CM 4727/2020**

MUNISH JAIN

.....Appellant

Through: Mr Sunil Satyarthi, Ms Amita Saxena,
Mr Amitanshu Satyarthi Advocates
with the Appellant/Mr Munish Jain
through VC.

versus

SHIKHA JAIN

.....Respondent

Through: Mr Sidhant Kumar, Mr Yudhisther
Sharma, Mr Om Batra, Mr Rachit
Somani, Ms Yashoda Advocates with
Respondent/Ms Shikha Jain.

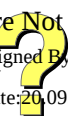
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+ **MAT.APP.(F.C.) 19/2022 & CM APPL. 60689/2023**

MUNISH JAIN

.....Appellant

Through: Mr Sunil Satyarthi, Ms Amita Saxena,
Mr Amitanshu Satyarthi Advocates
with the Appellant/Mr Munish Jain
through VC.

versus

SHIKHA JAIN

.....Respondent

Through: Mr Sidhant Kumar, Mr Yudhisther
Sharma, Mr Om Batra, Mr Rachit
Somani, Ms Yashoda Advocates with
Respondent/Ms Shikha Jain.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

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

AMIT BANSAL, J. (ORAL)

1. The present appeals are preferred against the impugned judgments/orders dated 28th September 2019 and 20th November 2019, passed by the learned Judge, Family Court (Central) Tis Hazari Court, Delhi (hereinafter referred to as '*Family Court*').
2. *Via* the aforesaid impugned judgments/orders, the Family Court has, in effect, directed the Appellant/Husband to pay a maintenance amount of Rs.50,000/- collectively to the Respondent/Wife and the two children, from the date of filing the application till 27th September 2019 and a sum of Rs.60,000/- from 28th September 2019 onwards.

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3. At the hearing of these appeals on 17th September 2024, the possibility of settlement was discussed between the parties. The Respondent/Wife was physically present in the Court and the Appellant/Husband was present *via* Video Conferencing ('VC'). Broad terms of the settlement were recorded in the said order and the parties were directed to mull over the settlement terms and the matters were posted for today *i.e.*, 18th September 2024.

4. At the hearing today, the Respondent/Wife was physically present in the Court whereas the Appellant/Husband was present through VC. A proposed draft of the settlement was handed over by Mr Siddhant Kumar, learned counsel appearing on behalf of the Respondent/Wife. A copy of the same was handed over to the counsel appearing on behalf of the Appellant for him to take instructions from the Appellant/Husband.

5. The matters were passed over for the counsel to obtain instructions. Upon the matters being taken up after the passover, the counsel submitted that the parties have agreed to a full and final settlement of all their *inter-se* disputes, on the following terms and conditions:

- i. The Appellant shall deposit a sum of Rs. 75,00,000/- (*Rupees Seventy-Five Lakh only*) with the Registry of this Court within 20 days from today.
- ii. After one week of the deposit of Rs. 75,00,000/- by the Appellant, both parties will move a joint petition seeking divorce by way of mutual consent before the Family Court under Section 13B of the Hindu Marriage Act, 1955.
- iii. The first motion petition shall be signed in the presence of Ms. Veena

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Ralli, Senior Mediator, on 20th October 2024 at the Delhi High Court Mediation and Conciliation Centre at 3:00 pm.

- iv. The parties will jointly file the second motion petition along with an application for a waiver of the cooling period of six (6) months within a span of 15 days from the date of grant of the first motion petition by the Family Court. The Family Court shall favourably consider the waiver application in line with the judgment of the Supreme Court in ***Amardeep Singh v. Harveen Kaur***, (2017) 8 SCC 746.
- v. The Appellant shall gift the flat/property wherein the Respondent and the children of the parties are residing *i.e.*, Flat No. B-403, Plot No. 4 and 6, Sector-17, Sanpada Sea Wood Garden, Navi Mumbai (hereinafter referred to as the '*said property*') to the Respondent by way of a registered deed. The Appellant shall clear all dues arising prior to the execution of the gift deed in respect of the said property such as property tax, society, water and electricity dues. The Appellant shall also bear all expenses related to stamp duty and registration charges for the purpose of transfer of said property in the name of the Respondent. The Appellant shall also hand over all original documents with respect to the said property to the Respondent.
- vi. The said property shall be conveyed to the Respondent within 10 days from the date of allowance of the second motion petition by the Family Court.
- vii. The parties shall withdraw the respective cases filed by them against each other within 10 days from the date of disposal of the second motion petition by the Family Court. The details of the pending cases

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are annexed herewith as Annexure-A.

- viii. After the second motion petition is allowed by the Family Court, the amount of Rs.75,00,000/- deposited by the Appellant before this Court shall be released by the Registry along with the accrued interest in favour of the Respondent.
 - ix. The Family Court shall stand over proceedings in HMA No. 1420/2017 and HMA No.961/2017 till the second motion petition has been allowed.
 - x. The two joint bank accounts, *first*, in the name of the Appellant and the Respondent *i.e.*, A/C No. 007301015104 with the ICICI Bank, Aundh Branch, Abhimanshree Society, Pune-411008 and *second*, in the joint names of the Appellant, Respondent and the mother-in-law of the Respondent *i.e.*, A/C No. 0131073040900 with the IDBI Bank, New Panvel Branch, Raigad, Maharashtra, shall be closed by the parties and the amounts lying therein shall be released in favour of the Respondent within one (1) week from the date of second motion petition being allowed. In this regard, the Appellant and the mother-in-law of the Respondent shall furnish their no objection *via* affidavits to the concerned bank/officer. The Appellant and mother-in-law of the Respondent shall undertake that if their physical presence is required for the release of the amount lying in the aforesaid accounts, they shall appear before the concerned bank/officer.
 - xi. The Appellant shall continue to pay maintenance awarded by the Family Court to the Respondent till the time the amount of Rs.75,00,000/- is released to the Respondent.
6. Notably, parties undertake to the Court to remain bound by the

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aforesaid terms and shall comply with their respective obligations.

7. Accordingly, the present appeals are disposed of in terms of the aforesaid settlement.

8. All pending applications stand disposed of.

**AMIT BANSAL
(JUDGE)**

**RAJIV SHAKDHER
(JUDGE)**

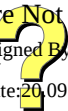
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**ANNEXURE – A**

Sr. No.	Case No.	Title	Court
1.	HMA/1420/2017	Munish Jain vs. Shikha Jain [HMA - Section 13 (1)(ia)]	Sh. Murari Parsad Singh, JFC (C), THC
2.	HMA/961/2017	Shikha Jain vs. Munish Jain [HMA – Section 9]	Sh. Murari Parsad Singh, JFC (C), THC
3.	Complaint Case Application 340 Cr.P.C.	Shikha Jain vs. Munish Jain	Sh. Murari Parsad Singh, JFC (C), THC
4.	Complaint Case Application 340 Cr.P.C.	Munish Jain vs. Shikha Jain	Sh. Murari Parsad Singh, JFC (C), THC
5.	Ex. 54/2019	Shikha Jain vs. Munish Jain	Sh. Murari Parsad Singh, JFC (C), THC
6.	Ex. 209/2019	Shikha Jain vs. Munish Jain	Sh. Murari Parsad Singh, JFC (C), THC
7.	CS/04/2018	Munish Jain vs. Shikha Jain	Sh. Murari Parsad Singh, JFC (C), THC
8.	Counter Claim No.	Shikha Jain vs. Munish Jain	Sh. Murari Parsad Singh, JFC (C), THC

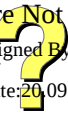
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